FEDERAL REGISTER

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Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3623]

PART 3—CEASE AND DESIST ORDERS

WORLD'S STAR-MALLOCH, INC.

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (ff 10) *Advertising falsely or misleadingly—Unique nature or advantages.* In connection with offer, etc., in commerce, of respondent's hosiery, lingerie, shirts, dresses and other wearing apparel, and among other things, as in order set forth, representing (1) that respondent's hosiery designated as "Strand-Sealed" hosiery, or any other hosiery of substantially similar type or construction, is manufactured by a secret process not used in the manufacture of other hosiery; (2) that said hosiery gives two or three times as much wear as other hosiery, or that the wearing qualities of said hosiery are substantially greater than those of other hosiery; (3) that said hosiery is proof against snags or runs; or (4) that the number of turns or twists used in the manufacture of said hosiery is substantially in excess of the number used in other hosiery; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, World's Star-Malloch, Inc., etc., Docket 3623, January 9, 1943]

§ 3.6 (y 5) *Advertising falsely or misleadingly—Sample, offer or order conformance:* § 3.72 (m 10) *Offering deceptive inducements to purchase—Sample, offer or order conformance:* § 3.80 (e) *Securing agents or representatives falsely or misleadingly—Qualities or properties of product.* In connection with offer, etc., in commerce, of respondent's hosiery, lingerie, shirts, dresses and other wearing apparel, and among other things, as in order set forth, using in respondent's advertising or supplying to respondent's sales agents or representatives samples purporting to portray the material used in the manufacture of respondent's hosiery when such purported samples are not in fact representative of the material actually used in such hosiery; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, World's Star-Malloch, Inc., etc., Docket 3623, January 9, 1943]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Earnings:* § 3.80 (c) *Securing agents or representatives falsely or misleadingly—Earnings.* In connection with offer, etc., in commerce, of respondent's hosiery, lingerie, shirts, dresses and other wearing apparel, and among other things, as in order set forth, representing that respondent's sales agents or representatives earn $1.30 per hour, $15.00 per day, or $47.00 per week, or any amounts in excess of those which are usually or customarily earned by such agents or representatives under normal conditions and circumstances; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, World's Star-Malloch, Inc., etc., Docket 3623, January 9, 1943]

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.72 (n 10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.80 (i) *Securing agents or representatives falsely or misleadingly—Terms and conditions.* In connection with offer, etc., in commerce, of respondent's hosiery, lingerie, shirts, dresses and other wearing apparel, and among other things, as in order set forth, (1) representing that respondent supplies sample outfits to its agents or representatives free of cost when a charge is in fact made for such outfits; or (2) using the word "free" or "gift," or any other word of similar import, to designate, describe, or refer to any merchandise which is not in fact given by respondent free of charge but is furnished

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FEDERAL REGISTER

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as compensation for services rendered; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, World's Star-Malloch, Inc., etc., Docket 3623, January 9, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of January, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before trial examiners of the Commission theretofore duly designated by it, report of the trial examiners upon the evidence and the exceptions to such report, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, World's Star-Malloch, Inc., a corporation, trading under its corporate name or under the name "Strand-Sealed Hosiery Co." or any other name, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's hosiery, lingerie, shirts, dresses and other wearing apparel, do forthwith cease and desist from:

1. Representing that respondent's hosiery designated as "Strand-Sealed" hosiery, or any other hosiery of substantially similar type or construction, is manufactured by a secret process not used in the manufacture of other hosiery.

2. Representing that said hosiery gives two or three times as much wear as other hosiery, or that the wearing qualities of said hosiery are substantially greater than those of other hosiery.

3. Representing that said hosiery is proof against snags or runs.

4. Representing that the number of turns or twists used in the manufacture of said hosiery is substantially in excess of the number used in other hosiery.

5. Using in respondent's advertising or supplying to respondent's sales agents or representatives samples purporting to portray the material used in the manufacture of respondent's hosiery when such purported samples are not in fact representative of the material actually used in such hosiery.

6. Representing that respondent's sales agents or representatives earn $1.30 per hour, $15.00 per day, or $47.00 per week, or any amounts in excess of those which are usually or customarily earned by such agents or representatives under normal conditions and circumstances.

7. Representing that respondent supplies sample outfits to its agents or representatives free of cost when a charge is in fact made for such outfits.

8. Using the word "free" or "gift," or any other word of similar import, to designate, describe, or refer to any merchandise which is not in fact given by respondent free of charge but is furnished as compensation for services rendered.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-1112; Filed, January 22, 1943; 10:46 a. m.]

[Docket No. 4600]

PART 3—CEASE AND DESIST ORDERS

THEOPHILUS J. CRAIG

§ 3.6 (r) *Advertising falsely or misleadingly—Prices—Comparative:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Savings and discounts:* § 3.48 (a) *Disparaging competitors and their products—Competitors—Prices.* In connection with offer, etc., in commerce, of tombstones and monuments, and among other things, as in order set forth, representing that the prices at which respondent offers his tombstones and monuments for sale are 30% below the usual retail prices for said products or any other savings in excess of the actual savings from the prices charged by respondent's competitors for similar products made of the same or comparable materials; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Theophilus J. Craig, Docket 4600, January 9, 1943]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Properties and rights.* In connection with offer, etc., in commerce, of tombstones and monuments, and among other things, as in order set forth, representing that the respondent owns, operates or controls the quarry from which granite is quarried and manufactured into tombstones and

monuments, unless and until the respondent actually owns, operates, or directly and absolutely controls the quarry wherein said granite is quarried; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Theophilus J. Craig, Docket 4600, January 9, 1943]

§ 3.6 (y 5) *Advertising falsely or misleadingly—Sample, offer or order conformance:* § 3.72 (m 10) *Offering deceptive inducements to purchase—Sample, offer or order conformance.* In connection with offer, etc., in commerce, of tombstones and monuments, and among other things, as in order set forth, using picturizations of tombstones and monuments which appear to be completely polished, including the front, back, top, sides and base, when orders for the tombstones or monuments so pictured are filled with tombstones or monuments not polished in their entirety or an additional charge is made for a completely polished tombstone or monument; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Theophilus J. Craig, Docket 4600, January 9, 1943]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation.* In connection with offer, etc., in commerce, of tombstones and monuments, and among other things, as in order set forth, representing that respondent's tombstones and monuments are manufactured from granite quarried in the vicinity of Barre, Vermont, Quincy, Massachusetts, Westerly, Rhode Island, or from any other particular granite, unless said tombstones and monuments are in fact produced or manufactured from the particular granite specified; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Theophilus J. Craig, Docket 4600, January 9, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of January, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Theophilus J. Craig, an individual, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of tombstones and monuments in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that the prices at which respondent offers his tombstones and monuments for sale are 30% below the usual retail prices for said products or any other savings in excess of the actual savings from the prices charged by respondent's competitors for similar products made of the same or comparable materials;

(2) Representing that the respondent owns, operates or controls the quarry from which granite is quarried and manufactured into tombstones and monuments, unless and until the respondent actually owns, operates, or directly and absolutely controls the quarry wherein said granite is quarried;

(3) Using picturizations of tombstones and monuments which appear to be completely polished, including the front, back, top, sides and base, when orders for the tombstones or monuments so pictured are filled with tombstones or monuments not polished in their entirety or an additional charge is made for a completely polished tombstone or monument;

(4) Representing that respondent's tombstones and monuments are manufactured from granite quarried in the vicinity of Barre, Vermont; Quincy, Massachusetts, Westerly, Rhode Island; or from any other particular granite, unless said tombstones and monuments are in fact produced or manufactured from the particular granite specified.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-1113; Filed, January 22, 1943; 10:46 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1813]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the Standard Materials No. 1 Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Standard Materials No. 1 Mine in District No. 11; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: January 5, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine	Seam	Subdistrict	Freight origin group	Price group	Shipping point	Railroad
[1] 1373	Standard Materials Corporation.	Standard Materials No. 1.	V	BC	40	3	West Clinton.	CMStP&P

[1] Mine Index No. 1373 shall be included in Price Group 3 and shall take the same f. o. b. mine prices as other mines in Price Group 3 in Price Schedule No. 1, District No. 11, For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as Mine Index No. 54, and to mines in Freight Origin Group No. 40 of the Brazil Clinton Subdistrict having the same freight rate. Mine Index No. 1373 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule No. 1, District No. 11, For All Shipments Except Truck, as are shown for Mine Index No. 54.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	26	27	28, 29, 33
VERMILLION COUNTY																				
Standard Materials Corporation.	1373	Standard Materials No. 1.	5	255	250	245	235	230	225	185	190	175	170	140	130	75	45	150	140	110	120

[F. R. Doc. 43-1036; Filed, January 21, 1943; 10:17 a. m.]

[Docket No. A-1810]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the Coal Creek Company Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Coal Creek Coal Company Mine, Mine Index No. 1439, of the Coal Creek Coal Company in Production Group No. 10 in District No. 15 for all shipments except truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: January 9, 1943.

[SEAL] DAN H. WHEELER, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR RAIL SHIPMENTS

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group													
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
*Coal Creek Coal Co. (Dale George).	1439	Coal Creek Coal Co.	10	Henryetta, Okla.	KO&G....	60	A	A	A	A	(†)	A	(†)	A	A	A	A	(†)	(†)	A	(†)

*Previously classified as truck mine.
†Previously classified in this size group.
A is Market Area list price as listed in Price Schedule No. 1.

[F. R. Doc. 43-1035; Filed, January 21, 1943; 10:17 a. m.]

[Docket No. A-1778]

PART 338—MINIMUM PRICE SCHEDULE, DISTRICT NO. 18

ORDER GRANTING TEMPORARY RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 18 for the establishment of price classifications and minimum prices for the coals of the Magdalena Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Magdalena Mine (Mine Index No. 174) of code member, Tom Scartaccini, in Subdistrict 6 in District No. 18 for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 338.2 (*Code member price index*) is amended by adding thereto Supplement T-I and § 338.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: January 5, 1943.

[SEAL] DAN H. WHEELER, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 18

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 338, Minimum Price Schedule for District No. 18 and supplements thereto.

FOR TRUCK SHIPMENTS

The following price classification and minimum prices shall be inserted in minimum price schedule for District No. 18:

§ 338.2 *Code member price index*—Supplement T-I. Insert the following listing in proper alphabetical order:

Producer	Mine	Mine index No.	County	Subdistrict price group	Prices Section	
					Rail	Truck
Scartaccini, Tom	Magdalena	174	Socorro, N. Mex.	6	------	§ 338.21

§ 338.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T-II. Insert the following code member name, mine name, and county under Subdistrict No. 6, in proper alphabetical order, and the following prices:

Code member and mine name	Mine index No.	County	Size groups						
			2	6	8	9	12	13	15
SUBDISTRICT NO. 6									
Scartaccini, Tom; Magdalena	174	Socorro, N. Mex.	415	335	315	220	195	165	225

[F. R. Doc. 43-1034; Filed, January 21, 1943; 10:17 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Order 80]

LYONS VETERANS HOSPITAL PROJECT, N. J.

DESIGNATION FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Lyons Veterans Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 80. Said project, located at Lyons, Somerset County, New Jersey, will be the base of operations for work at the U. S. Veterans Facility, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Lyons Veterans Hospital Project will be engaged as attendants, orderlies and farm hands and shall be under the direction of the Manager, U. S. Veterans Facility at Lyons, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the U. S. Veterans Administration. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

JANUARY 18, 1943.

[F. R. Doc. 43-1115; Filed, January 22, 1943; 10:58 a. m.]

[Order 79]

UTAH STATE HOSPITAL PROJECT

DESIGNATION FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Utah State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 79. Said project located at Provo, Utah County, Utah, will be the base of operations for work at the Utah State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Utah State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Utah State Hospital at Provo, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Utah State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Service Headquarters.

LEWIS B. HERSHEY,
Director.

JANUARY 16, 1943.

[F. R. Doc. 43-1114; Filed, January 22, 1943; 10:58 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 3115—CONSTRUCTION MACHINERY AND EQUIPMENT SIMPLIFICATION AND CONSERVATION

[Schedule III to Limitation Order L-217]

§ 3115.4 *Schedule III to Limitation Order L-217: Angledozers or trailbuilders*—(a) *Definitions.* For the purposes of this Schedule III:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of angledozers or trailbuilders.

(3) "Angledozer" or "trailbuilder" means a cable or hydraulic operated oscillating moldboard with cutting edge and frame, mounted upon a tracklaying tractor and used for excavating and spreading of earth, rock and other similar material.

(4) "Power control unit" means a hydraulic or cable controlled device powered by a tractor or similar unit and used for regulating the excavating operations of the angledozer or trailbuilder.

(5) "Prime mover" means a unit producing the necessary power for operating an angledozer or trailbuilder and upon which the angledozer or trailbuilder is mounted.

(6) "Repair part" means any part manufactured for use in the repair of angledozers or trailbuilders.

(7) "Alloy steel" means any steel containing any one or more of the following elements in the following amounts:

(i) Manganese, maximum of range in excess of 1.65%;

(ii) Silicon, maximum of range in excess of 0.60%;

(iii) Copper, maximum of range in excess of 0.60%;

(iv) Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(b) *Conservation of materials.* (1) On and after February 1, 1943, no producer shall use or put into process, for the production or assembly of any angledozers, trail-builders or repair parts,

any alloy steel except to the extent that such alloy steel may have been in his inventory or in transit to him on that date.

(2) Nothing in this Schedule III shall restrict the use of alloy steel in the production or assembly of power control units, prime movers or anti-friction bearings.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22nd day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1116; Filed, January 22, 1943; 11:08 a. m.]

PART 3115—CONSTRUCTION MACHINERY AND EQUIPMENT SIMPLIFICATION AND CONSERVATION

[Schedule IV to Limitation Order L-217]

§ 3115.5 *Schedule IV to Limitation Order L-217: Bulldozers*—(a) *Definitions.* For the purposes of this Schedule IV:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of bulldozers.

(3) "Bulldozer" means a cable or hydraulic operated rigid moldboard with cutting edge and frame, mounted upon a track-laying tractor and used for excavating and spreading of earth, rock, and other similar material.

(4) "Power control unit" means any hydraulic or cable controlled device powered by a tractor or similar unit and used for regulating the excavating operations of the bulldozer.

(5) "Prime mover" means a unit producing the necessary power for operating a bulldozer and upon which the bulldozer is mounted.

(6) "Repair part" means any part manufactured for use in the repair of bulldozers.

(7) "Alloy steel" means any steel containing any one or more of the following elements in the following amounts:

(i) Manganese, maximum of range in excess of 1.65%.

(ii) Silicon, maximum of range in excess of 0.60%.

(iii) Copper, maximum of range in excess of 0.60%.

(iv) Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(b) *Conservation of materials.* (1) On and after February 1, 1943, no producer shall use or put into process, for the production or assembly of any bulldozers or repair parts, any alloy steel except to the extent that such alloy steel may have been in his inventory or in transit to him on that date.

(2) Nothing in this Schedule IV shall restrict the use of alloy steel in the production or assembly of power control units, prime movers or anti-friction bearings.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22nd day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1117; Filed, January 22, 1943; 11:08 a. m.]

Chapter XI—Office of Price Administration

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,[1] as Amended, Amendment 67]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1390.32 (e) is amended by adding thereto, in alphabetical order, the following term:

§ 1390.32 * * *
(e) * * *

Electrical instruments for measuring, testing, recording, or indicating, including aircraft, marine, scientific, laboratory, and precision instruments (not including surgical, optical, and dental instruments).

§ 1390.31a *Effective dates of amendments.* * * *

(ppp) Amendment No. 67 (§ 1390.32 (e)) to Maximum Price Regulation No. 136, as Amended, shall become effective January 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1082; Filed, January 21, 1943; 2:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 231 Under § 1499.3 (b) of GMPR]

SARDIK FOOD PRODUCTS CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1467 *Authorization of maximum prices for sales of seven listed "Sardik" brand dehydrated foods by Sardik Food Products Corporation of New York City, by wholesalers and by retailers.* (a) On and after January 22, 1943, the maximum prices for sales by Sardik Food Products Corporation, 409 East 47th Street, New York City, of the following listed "Sardik" brand dehydrated food items shall be:

	Per doz.
4½ oz. glass jars "Sardik" dehydrated banana flakes	$1.80
7 oz. glass jars "Sardik" dehydrated bean soup	2.16
7 oz. glass jars "Sardik" dehydrated pea soup	2.16
8 oz. tins "Sardik" pumpkin pie mix	2.52
3 oz. glass jars "Sardik" dehydrated tomato flakes	2.16
2½ oz. glass jars "Sardik" tomato juice cocktail	1.95
4¼ oz. glass jars "Sardik" dehydrated tomato soup	2.38

These prices shall include prepaid freight to purchasers' stations.

(b) Sellers at wholesale shall determine their maximum delivered selling prices of the listed "Sardik" brand dehydrated food items by adding to their net cost of each item a mark-up of 20% of such net cost. The maximum delivered prices so determined shall not exceed the following:

	Per doz.
4½ oz. glass jars "Sardik" dehydrated banana flakes	$2.16
7 oz. glass jars "Sardik" dehydrated bean soup	2.59
7 oz. glass jars "Sardik" dehydrated pea soup	2.59
8 oz. tins "Sardik" pumpkin pie mix	3.02
3 oz. glass jars "Sardik" dehydrated tomato flakes	2.59
2½ oz. glass jars "Sardik" tomato juice cocktail	2.34
4¼ oz. glass jars "Sardik" dehydrated tomato soup	2.86

Where a maximum price per dozen determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler may increase his maximum price per dozen to the next higher cent.

Net cost for a wholesaler as mentioned in this paragraph shall be his invoice price for the first delivery of a listed "Sardik" brand dehydrated food item delivered in a customary quantity for this type of item by the customary mode of transportation to his customary receiving point, less all discounts allowed him, except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of the listed "Sardik" brand dehydrated food items by adding to their net cost of each item a mark-up of 33⅓% of such net cost. The maximum prices so determined shall not exceed the following:

	Cents per package
4½ oz. glass jars "Sardik" dehydrated banana flakes	24
7 oz. glass jars "Sardik" dehydrated bean soup	29
7 oz. glass jars "Sardik" dehydrated pea soup	29
8 oz. tins "Sardik" pumpkin pie mix	34
3 oz. glass jar "Sardik" dehydrated tomato flakes	29

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 165, 369, 534.

	Cents per package
2½ oz. glass jars "Sardik" tomato juice cocktail	26
4¼ oz. glass jars "Sardik" dehydrated tomato soup	32

Where a maximum price per package determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer may increase his maximum price per package to the next higher cent.

Net cost for a retailer as mentioned in this paragraph shall be his invoice price for the first delivery of a listed "Sardik" brand dehydrated food item delivered to his customary receiving point in a customary quantity of this type of item by a customary mode of transportation and from a customary source of supply, less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall ever be included.

(d) No seller, except a seller at retail, shall change his customary discounts, allowances and price differentials applying to comparable items of dehydrated foods in making sales of listed "Sardik" dehydrated food items, unless such change in these customary discounts, allowances and price differentials results in lower selling prices.

(e) On and after January 22, 1943, Sardik Food Products Corporation shall supply written notification to each wholesaler before or at the time of the first delivery of each "Sardik" brand dehydrated food item to such wholesaler, and for a period of three months thereafter shall include with each shipping unit of the listed "Sardik" dehydrated food items, a written notification to retailers. If such retailer notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed". The written notifications, for each type of purchaser, may be prepared separately for each of the listed items or may refer to all of the seven listed items, and shall include the following appropriate statements:

Notification From Sardick Food Products Corporation to Wholesalers

The OPA has authorized us to charge wholesalers the following prices per dozen packages of the listed "Sardik" brand dehydrated food items subject to all customary allowances and discounts:

4½ oz. glass "Sardik" dehydrated banana flakes	$1.80
7 oz. glass "Sardik" dehydrated bean soup	2.16
7 oz. glass "Sardik" dehydrated pea soup	2.16
8 oz. tin "Sardik" pumpkin pie mix	2.52
3 oz. glass "Sardik" dehydrated tomato flakes	2.16
2½ oz. glass "Sardik" tomato juice cocktail	1.95
4¼ oz. glass "Sardik" dehydrated tomato soup	2.38

Wholesalers are authorized to establish a ceiling price for each item by adding to the net cost of the item 20% of such net cost, provided that the ceiling prices so determined shall not exceed the following prices per dozen:

4½ oz. glass "Sardik" dehydrated banana flakes	$2.16
7 oz. glass "Sardik" dehydrated bean soup	$2.59
7 oz. glass "Sardik" dehydrated pea soup	2.59
8 oz. tin "Sardik" pumpkin pie mix	3.02
3 oz. glass "Sardik" dehydrated tomato flakes	2.59
2½ oz. glass "Sardik" tomato juice cocktail	2.34
4¼ oz. glass "Sardik" dehydrated tomato soup	2.83

Net cost is the invoice cost of the first delivery of a customary supply at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Retailers shall establish a ceiling price by adding to their net cost 33⅓% of such net cost. Each individual ceiling price determined by any seller shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). A copy of a notification to retailers is included in every shipping unit of these items. If the initial sale of any of these items to any retailer is a split case sale, wholesalers are required to provide such retailer with a copy of the retail notification so enclosed. OPA requires that you keep this notice for examination.

Notification From Sardik Food Products Corporation to Retailers

The OPA authorizes retailers to establish ceiling prices for certain "Sardik" dehydrated food items as listed below by adding to the net cost of each item 33⅓% of such net cost, provided that the ceiling prices so determined shall not exceed the following prices per package:

	Cents
4½ oz. glass "Sardik" dehydrated banana flakes	24
7 oz. glass "Sardik" dehydrated bean soup	29
7 oz. glass "Sardik" dehydrated pea soup	29
8 oz. tin "Sardik" pumpkin pie mix	34
3 oz. glass "Sardik" dehydrated tomato flakes	29
2½ oz. glass "Sardik" tomato juice cocktail	26
4¼ oz. glass "Sardik" dehydrated tomato soup	32

Net cost is the invoice cost of the first delivery of a customary supply at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Such ceiling prices shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). OPA requires that you keep this notice for examination.

(f) This Order No. 231 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 231 (§ 1499.1467) shall become effective January 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1079; Filed, January 21, 1943; 2:45 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 173 Under 1499.18 (b) of GMPR]

CARSON PIRIE SCOTT & COMPANY

Order No. 173 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1575.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1074 *Granting adjustment of maximum prices for sales of Numdah rugs by Carson Pirie Scott & Company.* (a) Carson Pirie Scott & Company, 36S West Adams Street, Chicago, Illinois, may sell and deliver Numdah rugs imported from India at prices no higher than those hereinafter designated.

Approximate sizes:	*Sale lot maximum prices*
4 x 6 feet	$3.75
3 x 4 feet	1.99
2 x 3 feet	.94

subject to all customary allowances, discounts and other price differentials in effect during March 1942.

(b) Carson Pirie Scott & Company shall send to each customer, with each first delivery of Numdah rugs on which adjustment in maximum price has been made pursuant to this Order No. 173, a complete list of adjusted maximum prices and a notice reading as follows:

The Office of Price Administration has granted Carson Pirie Scott & Company permission, pursuant to Order No. 173 under § 1499.18 (b) of the General Maximum Price Regulation, to increase its maximum prices to those specified in the price lists accompanying this Order. Since these prices have only been increased to the level of competitive importers of this commodity, you will not be permitted to increase your maximum prices.

(c) All prayers of this application not granted herein are denied.

(d) This Order No. 173 may be revoked or amended by the Administrator at any time.

(e) This Order No. 173 (§ 1499.1074) is incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 173 (§ 1499.1074) under section 18 (b) of the General Maximum Price Regulation shall become effective January 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1080; Filed, January 21, 1943; 2:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Correction to Order 2[1] Under § 1499.18 (c), as Amended, of GMPR]

COLUMBIA PACKAGE CO., INC.

In § 1499.1502 the text of paragraph (a) is corrected to read as follows:

(a) The Columbia Package Company, Inc., Memphis, Tennessee, may sell and deliver, and any person may buy from that company, the lard pails and tubs hereafter specified at prices not higher than the following prices per dozen pails or tubs, f. o. b. Memphis, Tennessee.

* * * * *

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1078; Filed, January 21, 1943; 2:45 p. m.]

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[1] 8 F.R. 239.

PART 1499—COMMODITIES AND SERVICES

[Order 14 Under § 1499.29 of GMPR]

FRANKE'S INC.

Order No. 14 Under § 1499.29 of the General Maximum Price Regulation—Docket No. GF3-2980.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*:

§ 1499.414 *Adjustment of maximum prices for bread sold by Franke's Inc.* (a) Franke's Inc. 1111 West Third, Little Rock, Arkansas, may sell and deliver to the United States Public Health Service, located at the Medical Center, Hot Springs, Arkansas, one pound loaves of bread, contracted to be sold by Franke's Inc. to the said United States Public Health Service, at prices no higher than $.0676 per loaf; and the said United States Public Health Service may buy and receive the said commodity at no higher than this price.

(b) This order is limited to fulfillment of the contract designated in the petition herein filed by Franke's Inc. according to the terms thereof.

(c) All prayers of the application not herein granted are denied.

(d) This Order No. 14 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 14 (§ 1499.414) is hereby incorporated as a section of Supplementary Regulation No. 4, which contains modifications of the maximum prices established by § 1499.2.

(f) This Order No. 14 (§ 1499.414) shall become effective January 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1077; Filed, January 21, 1943; 2:45 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 14 Under Supp. Reg. 15 of GMPR]

ALLISBAUGH TRUCKING CO.

Order No. 14 under § 1499.75 (a) (3) of Supplementary Regulation No. 15—the General Maximum Price Regulation—Docket No. GF3-1390.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*:

§ 1499.1314 *Adjustment of maximum prices for contract carrier services sold by the Allisbaugh Trucking Company.* (a) The Allisbaugh Trucking Company, 741 South Miami Street, Wabash, Indiana, may sell and furnish contract carrier services in connection with the transportation of pulp board, wood pulp, scrap and waste paper, wooden skids and wooden cores, between Wabash, Indiana, and points in Illinois, Indiana, Missouri and Ohio at prices not exceeding the rates set forth in the schedule of minimum rates, MF-ICC No. 11, filed by Allisbaugh Trucking Company with the Interstate Commerce Commission on July 13, 1942, to become effective August 16, 1942.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 14 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 14 (§ 1499.1314) is hereby incorporated as a Section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 14 (§ 1499.1314) shall become effective January 22, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1076; Filed, January 21, 1943; 2:45 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended,[1] Amendment 16]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1499.101, a new subparagraph (64) is added to paragraph (c), as set forth below:

§ 1499.101 * * *

(c) * * *

(64) Steam—rates charged for (including, but not limited to, steam supplied for heat, power, or hot water), by persons supplying otherwise than as public utilities.

§ 1499.121a *Effective dates of amendments.* * * *

(p) Amendment No. 16 (§ 1499.101 (c) (64)) to Maximum Price Regulation No. 165 as amended shall become effective January 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1081; Filed, January 21, 1943; 2:44 p. m.]

[Amendment 3 to MPR 225[2]]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

PRINTING AND PRINTED PAPER COMMODITIES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1347.452 is amended and a new § 1347.477 (Appendix C) is added to read as set forth below:

§ 1347.452 *Maximum prices for commodities and services: general provisions.* Each seller of any commodity or service subject to this Maximum Price Regulation No. 225 must determine his maximum price by applying the first one of the methods set forth in sequence in §§ 1347.452 through 1347.456, which fits the commodity or service being priced. A few exceptions to this pricing procedure are set forth in Appendix C (§ 1347.477) and take precedence over all other pricing provisions of this regulation.

As the first pricing method under this regulation, each seller must, if possible, take as his maximum price the "highest price which he charged during March, 1942" as defined in § 1347.472, paragraph (a) (6) of this regulation.

(a) For the same commodity or service; or

(b) If no charge was made for the same commodity or service, for the "similar commodity or service" most nearly like it.

§ 1347.477 *Appendix C: Exceptions to pricing provisions of §§ 1347.452 through 1347.456*—(a) *Sales by school stores.* (1) Maximum prices for sales of any of the items listed in Appendix A (§ 1347.475) by school stores which during March 1942 dealt in the same or similar articles shall be the cost of acquisition plus the highest percentage mark-up charged by the school store during March 1942, on the same or a similar article. Prices may be rounded to the nearest whole cent; ½¢ may be taken as 1¢.

(2) *Definitions.* For the purpose of this paragraph (a) of § 1347.477 only, the following definition shall be used:

(i) "Same article" means an article identical in all respects with another article, except that it may contain a different number of sheets.

(ii) "Similar article" means a similar commodity as defined in § 1347.472 (a) (22) except that it may contain a different number of sheets.

(iii) "School store" means any store operated by an elementary or secondary school or by a board of education for the benefit of elementary or secondary school students and not for profit directly or indirectly.

§ 1347.474a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1347.452 and 1347.477) to Maximum Price Regulation No. 225, shall become effective January 21, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1085; Filed, January 21, 1943; 5:00 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 10480, 10557, 10619, 10718, 9972, 11010.

[2] 7 F.R. 7593, 8929, 8939, 8948.

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 270[1]]

DRY EDIBLE BEANS, SALES EXCEPT AT WHOLESALE AND RETAIL

The title, preamble, and §§ 1351.1201 to 1351.1215, inclusive, are renumbered and amended to read as set forth below:

Revised Maximum Price Regulation No. 270—Dry Edible Beans, Sales Except at Wholesale and Retail.

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 to revise the provisions of Maximum Price Regulation No. 270, and to establish specific prices for sales of dry edible beans by country shippers and certain other types of sellers other than sellers at wholesale and retail.

The Price Administrator has ascertained and given due consideration to the prices of dry edible beans prevailing between October 1, 1941 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable. So far as advised and consulted with representa- practicable the Price Administrator has tive members of the industry which will be affected by this regulation.

The maximum prices established herein are not below prices which will reflect to producers of dry edible beans a price equal to the highest of the prices required by the provisions of section 3 of the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 270 is hereby issued.

Secs.

AUTHORITY: §§ 1351.1201 to 1351.1216, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7671.

§ 1351.1201 *Purposes of Revised Maximum Price Regulation No. 270.* This regulation establishes maximum prices for dry edible beans for sales by country shippers and certain other types of sellers as hereinafter set forth. Maximum prices for wholesalers and retailers of dry edible beans are governed by Maximum Price Regulation No. 237,[2] as amended, and Maximum Price Regulation No. 238,[3] as amended, respectively.

§ 1351.1202 *Prohibition against sales above the maximum prices.* On and after January 26, 1943 regardless of any contract or other obligation, no person shall sell or deliver dry edible beans at prices higher than the maximum prices established by this regulation, and no person shall buy or receive dry edible beans in the course of trade or business at prices higher than the maximum prices herein established. Lower prices than the maximum prices may be charged and paid.

§ 1351.1203 *Schedule of maximum prices per cwt. for country shippers f. o. b. country shipping point and pricing provisions for certain other types of sellers.* (a) The maximum prices, per cwt. in 100-pound containers at the country shipping point, on board car or any other common or contract carrier shall be:

Kind of dry edible beans	*Maximum price per cwt. in 100-pound containers*
Pea and medium white beans (Navy):	
U. S. Choice hand picked	$5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
Marrow beans (not including red marrow beans):	
U. S. Choice hand picked	7.15
U. S. No. 1	7.05
U. S. No. 2	6.95
U. S. No. 3 and lower	6.70
Great Northern beans:	
U. S. Choice hand picked	5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
Small white beans:	
U. S. Choice hand picked	5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
White kidney beans:	
U. S. Choice hand picked	7.95
U. S. No. 1	7.85
U. S. No. 2	7.70
U. S. No. 3 and lower	7.45
Red kidney beans (light and dark):	
U. S. Choice hand picked	$5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
Red kidney beans (Western):	
U. S. Choice hand picked	6.10
U. S. No. 1	6.00
U. S. No. 2	5.85
U. S No. 3 and lower	5.60
Yelloweye beans:	
U. S. Choice hand picked	7.15
U. S. No. 1	7.05
U. S. No. 2	6.95
U. S. No. 3 and lower	6.70
Cranberry beans (other than Western):	
U. S. Choice hand picked	5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
Cranberry beans (Western):	
U. S. Choice hand picked	6.05
U. S. No. 1	5.95
U. S. No. 2	5.80
U. S. No. 3 and lower	5.55
Small red beans:	
U. S. Choice hand picked	5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
Pink beans:	
U. S. Choice hand picked	5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
Bayo beans:	
U. S. Choice hand picked	5.60
U. S. No. 1	5.50
U. S. No. 2	5.35
U. S. No. 3 and lower	5.10
Blackeye beans (Western):	
U. S. Choice hand picked	5.90
U. S. No. 1	5.80
U. S. No. 2	5.65
U. S. No. 3 and lower	5.40
Pinto beans:	
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3	5.20
Lima beans (standard):	
U. S. Extra No. 1	8.10
U. S No. 1	8.00
U. S. No. 2 and lower	7.85
Baby lima beans:	
U. S. Extra No. 1	6.80
U. S. No. 1	6.70
U. S. No. 2 and lower	6.55

(b) For dry edible beans which are graded U. S. No. 1, U. S. No. 2 or U. S. No. 3, or lower, and packed in the following containers, the following amounts may be added to the maximum prices listed in paragraph (a) of this section:

Size of container:	*Amount permitted to be added (per cwt.)*
(1) Up to 2 pounds	$2.00
(2) 3 pounds	1.60
(3) 5 pounds	1.45
(4) 25 pounds	.30

The differentials listed above for special packages are applicable to all sellers covered by this regulation who package dry edible beans in the above-listed container sizes.

(c) If a country shipper, or the agent of a country shipper sells and delivers dry edible beans at a wholesale receiving point, such as, but not limited to,

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9189, 9191.

[2] 7 F.R. 8205, 8427, 8808, 9163, 9973, 10013, 10715; 8 F.R. 373, 569.

[3] 7 F.R. 8209, 8808, 9164, 10013, 10227, 10714; 8 F.R. 120, 374, 532.

a terminal market, and performs the primary jobber's functions of unloading cars or trucks, warehousing and selling from such warehouse in less than carlots or trucklots, such country shipper's or agent's maximum price shall be the maximum price established in paragraph (a) hereof, f. o. b. country shipping point, plus the actual cost of transportation, at lowest available contract or common carrier rates, from the country shipping point to the wholesale receiving point, multiplied by 1.025.

(d) If any person sells dry edible beans at a place other than the original country shipping point without performing the primary jobber's functions of unloading cars or trucks, warehousing and selling from such warehouse in less than carlots or trucklots, such person's maximum price shall be the maximum price established in paragraph (a) hereof, f. o. b. country shipping point, plus the actual cost of transportation, at lowest available common or contract carrier rates, from the country shipping point to the place where delivery is to be made, multiplied by 1.015.

(1) If a country shipper employs a broker as his agent for the sale of dry edible beans, such broker's commission shall be paid by the country shipper out of the maximum price provided for such shipper in paragraph (a) or (d) hereof, and shall not be added to such shipper's maximum price.

(e) If a shipment of dry edible beans to a particular destination forms a portion of a pool-car, the maximum delivered price of each seller who is selling a portion of the pool-car shall be the result of the following calculation:

(1) The maximum price, f. o. b. country shipping point, as established in paragraph (a) hereof;

(2) Each such seller's pro rata share of the actual transportation charges for the total pool-car; plus

(3) The actual stopover charge incurred by the country shipper, if any; multiplied by

(4) 1.015.

(f) If a country shipper sells and delivers directly to retailers, in less than carlots or trucklots at a place other than the original country shipping point, his maximum price for such sales and deliveries shall be the maximum price listed in paragraph (a) hereof, plus the actual cost of transportation at lowest available common or contract carrier rates, from his country shipping point to the place where such deliveries are to be made, multiplied by 1.12.

(g) If a country shipper purchases dry edible beans from another country shipper, and packages such dry edible beans in containers smaller than 100-pound bags, the purchasing country shipper's maximum price for resale of such dry edible beans shall be the result of the following calculation:

(1) The applicable maximum price under paragraph (a); plus

(2) The actual cost of transportation, at lowest available common or contract carrier rates, from the selling country shipper's shipping point to the purchasing country shipper's warehouse, elevator or other receiving station; plus

(3) The applicable packaging differential established under paragraph (b); multiplied by

(4) 1.025.

(h) No country shipper or any other person covered by this regulation shall change any customary discount, allowance or other price differential unless such change shall result in a lower net selling price.

§ 1351.1204 *Maximum prices which primary jobbers may charge for dry edible beans.* Any primary jobber (that is, one who purchases dry edible beans, receives shipment of them into a warehouse or other receiving station and distributes them from such warehouse or receiving station in less than carlots or trucklots for resale customarily by wholesalers) shall calculate his maximum price for any grade of any kind of dry edible beans as follows:

(1) The primary jobber shall first determine his "net cost" per cwt., or other customary unit of sale. "Net cost" means the amount the primary jobber paid, delivered at his customary receiving point less all discounts allowed him, except the discount for prompt payment. However, no charge or cost of local unloading or local trucking shall be included. "Net cost" shall be based on the primary jobber's most recent purchase, since May 11, 1942, of a customary quantity from a customary supplier and received by a customary mode of transportation.

(2) The primary jobber shall then multiply his "net cost" by 1.025. The resulting figure shall be the primary jobber's maximum price per cwt., or other customary unit of sale, and shall not be changed.

§ 1351.1205 *Federal and State grade labeling of dry edible beans.* (a) Every country shipper shall clearly state on each 100-pound container of dry edible beans or shall attach a tag to each 100-pound container of dry edible beans clearly stating the kind of dry edible beans contained in the bag and the "United States grade." If the country shipper is selling dry edible beans in a State which requires a "State grade" to be shown upon the container, he may place the appropriate "State grade" on the container or tag, in addition to the "United States grade." No grades other than those herein provided for shall be placed upon the container.

(b) When used in this paragraph "United States grade" means the standards and grades of dry edible beans set forth in the "United States Standards for Beans" issued by the United States Department of Agriculture. "State grade" means standards and grades promulgated by any State or agency thereof under authority of an act of the State legislature permitting the establishment of such standards and grades.

(c) On and after March 1, 1943, if a country shipper makes sales of dry edible beans in containers of less than 100 pounds, he shall state the "United States grade" of each kind of dry edible beans sold on the package in legible printing or writing and shall also state the grade being sold on the invoice or other written evidence of the sale.

(d) Nothing in this regulation shall be construed as permitting the shipment in intrastate commerce of any grades of dry edible beans which are prohibited, by the laws of any State, from being so shipped.

§ 1351.1206 *Use of basing point in calculation of maximum delivered price.* (a) Nothing in this regulation shall be construed as prohibiting the use of an established basing point system in calculating maximum delivered prices.

(b) If a country shipper sells any kinds of dry edible beans on a basing point rate, he shall sell all dry edible beans on such basing point rate. The maximum delivered price to the purchaser, for any sale on a basing point rate shall not exceed the f. o. b. country shipping point price set forth in paragraph (a) of § 1351.1203, plus the actual cost of transportation, at lowest available common or contract carrier rates, from the basing point, to the purchaser's customary receiving point.

§ 1351.1207 *Exempt sales.* This regulation shall not apply to these transactions:

(a) Sales and deliveries of dry edible beans by a farmer to a country shipper. However, this regulation shall apply to sales and deliveries of dry edible beans by a farmer, a farmers' cooperative or by a country shipper selling beans grown by such seller to an ultimate consumer if during the preceding month such seller's sales to ultimate consumers of all dry edible beans produced by him exceeded $75.00.

(b) Deliveries to the United States or to any of its agencies under contracts entered into on or before October 5, 1942.

(c) Sales and deliveries of certified seed beans.

§ 1351.1208 *Evasion.* The price limitations which are set forth in this Revised Maximum Price Regulation No. 270 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relationship to, dry edible beans alone or in conjunction with, any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege or by tying agreement or other trade understanding, or by changing a business practice relating to the grading, labeling, or packaging of dry edible beans or otherwise.

§ 1351.1209 *Export sales.* The maximum prices at which a person may export dry edible beans shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,[4] issued by the Office of Price Administration.

§ 1351.1210 *Records which all persons covered by this regulation must keep.* (a) In addition to the requirements stated in § 1351.1205 every country shipper shall prepare on or before December 15, 1942 on the basis of all available information on record a statement show-

[4] 7 F.R. 5059, 7242, 8829, 9000, 10570.

ing all of his customary allowances, discounts and other price differentials and he shall keep a statement for examination by any person during ordinary business hours. Any country shipper who claims that he will be substantially injured by showing this statement to another person may file it with the appropriate field office of the Office of Price Administration. This information will not be shown to anyone else unless withholding it will be contrary to the purposes of this regulation.

(b) Every country shipper selling dry edible beans shall keep for examination by the Office of Price Administration, as long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the some kind as he has customarily kept relating to the prices which he charged after November 8, 1942.

§ 1351.1211 *Enforcement.* (a) Any person violating a provision of this Revised Maximum Price Regulation No. 270 is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 270 or of any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1351.1212 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 270 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[5] and amendments, issued by the Office of Price Administration.

§ 1351.1213 *Relationship between this regulation and Maximum Price Regulation No. 280, Maximum Price Regulations Nos. 237 and 238, and the General Maximum Price Regulation.* (a) The provisions of this Revised Maximum Price Regulation No. 270 supersede the provisions of Maximum Price Regulation No. 280[6] in so far as they apply to sales and deliveries of dry edible beans made by country shippers and other sellers covered by this regulation.

(b) The following sections of the General Maximum Price Regulation,[7] as well as amendments to them, shall be applicable to every country shipper and all other sellers covered by this regulation:

(1) Sales slips and receipts (§ 1499.14).

(2) Definitions (§ 1499.20).

(3) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation, other than country shippers, selling dry edible beans at wholesale.

(c) Maximum prices for wholesalers and retailers of dry edible beans are governed by Maximum Price Regulation Nos. 237[8] and 238,[9] respectively.

§ 1351.1214 *Geographical applicability.* The provisions of this Revised Maximum Price Regulation No. 270 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1351.1215 *Definitions.* (a) When used in this regulation the term

(1) "Person" means an individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, any other government or any of its political subdivisions and any agencies of the foregoing.

(2) "Country shipper" means any person who operates an elevator or warehouse at a country shipping point, who signs the first bill of lading, and who makes sales and deliveries directly from such country shipping point to any other person, whether for his own account, the account of a farmer, or for the joint account of himself and a farmer. This term includes farmers' cooperatives and associations.

(3) "Country shipping point" means the first place where dry edible beans are received from the farmer, cleaned, sacked, stored in an elevator, or other receiving station, and otherwise made ready for shipment.

(4) "Wholesaler" and "retailer" means the persons respectively referred to as "wholesalers" and "retailers" in Maximum Price Regulation Nos. 237 and 238.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

§ 1351.1216 *Effective date.* This Revised Maximum Price Regulation No. 270 (§§ 1351.1201 to 1351.1216, inclusive) shall become effective January 26, 1943.

Issued this 21st day of January, 1943.

PRENTISS M. BROWN,
Administrator.

Approved by:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-1093; Filed, January 31, 1943; 5:02 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 305]

CORN MEAL, CORN FLOUR, CORN GRITS, HOMINY, HOMINY GRITS, BREWERS GRITS AND OTHER PRODUCTS MADE BY A DRY CORN MILLING PROCESS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales by processors of corn products produced by a dry corn milling process by a maximum price regulation establishing dollars and cents maximum prices.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 305 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 305 is hereby issued.

AUTHORITY: §§ 1351.1751 to 1351.1774 inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1351.1751 *Applicability of Maximum Price Regulation No. 305.* The provisons of this Maximum Price Regulation No. 305 supersede the provisions of Maximum Price Regulation No. 280[2] with respect to sales and deliveries by processors and jobbers of corn products as defined in this regulation.

§ 1351.1752 *Prohibition against sales of corn products above maximum prices.* On and after January 26, 1943, regardless of any contract, agreement or other obligation no person shall sell or deliver corn products and no person in the course of trade or business shall buy or receive such corn products at a price higher than the maximum price permitted by this Maximum Price Regulation No. 305; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That the provisions of this regulation shall not apply to sales or deliveries of such corn products to a buyer if prior to January 26, 1943, such corn products had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such buyer.

§ 1351.1753 *Less than maximum prices.* Lower prices than those provided for in this Maximum Price Regulation No. 305 may be charged, demanded, paid or offered.

§ 1351.1754 *Maximum base point prices for yellow and white corn products.* (a) The maximum base point price for yellow corn products shall be $2.20 per hundred weight at the basing point of Kansas City, Missouri.

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[5] 7 F.R. 8961.

[6] 7 F.R. 10144, 10337, 10475, 10585, 10786, 10995; 8 F.R. 158.

[7] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371.

[8] 7 F.R. 8205, 8427, 8803, 9183, 9973, 10013, 10715; 8 F.R. 373, 569.

[9] 7 F.R. 8209, 8808, 9184, 10013, 10227, 10714; 8 F.R. 120, 374, 532.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

[2] 7 F. R. 10144, 10337, 10475, 10585, 10786, 10995; 8 F.R. 158.

(b) The maximum base point price for white corn products shall be $2.65 per hundred weight at the basing point of Kansas City, Missouri.

§ 1351.1755 *Transportation and freight tax.* (a) Transportation means the railroad charge figured at the lowest carload proportional rate (including the 3 per cent transportation tax applicable under section 620 of the Revenue Act of 1942) from the basing point at Kansas City, Missouri, to the railroad siding nearest the point designated by the buyer as his receiving point. No transportation or local hauling charge beyond such receiving point shall be added to the maximum price except as permitted in § 1351.1757 below.

(b) In view of the previous paragraph Supplementary Order No. 31,[3] entitled, Tax on Transportation of Property Imposed by Revenue Act of 1942, shall not apply to this Maximum Price Regulation No. 305.

§ 1351.1756 *Maximum delivered price for carload lots (including "pool car" and "mixed car" shipments).* The maximum delivered price for yellow or white corn products in the sale of carload lots (including pool car and mixed car shipments) by a processor to any person shall be

(a) In bulk, the sum of (1) the maximum base point price, and

(2) transportation and freight tax (as defined above);

(b) In 100 pound cotton sacks, the sum of (1) the maximum base point price, (2) transportation and freight tax (as defined above), and (3) in addition, if in sellers bags, plus the actual cost of a cotton sack which holds 100 pounds of corn products (but not greater than the maximum price provided in Maximum Price Regulation No. 151).

(c) In containers other than 100 pound cotton sacks, the sum of (1) the maximum base point price, (2) transportation and freight tax (as defined above), (3) plus or minus the package differential and charge for outside containers listed in Appendix A; and (4) in addition, if in sellers bags, plus the actual cost of a cotton sack which holds 100 pounds of corn products (but not greater than the maximum price provided in Maximum Price Regulation No. 151).

§ 1351.1757 *Maximum delivered price for less-than-carload shipments except to a consumer.* The maximum delivered price for yellow or white corn products in a sale of less-than-carload lots by a processor to any person, except to a consumer, shall be the same as the maximum delivered price established for carload lots in the previous section plus 5 cents per hundred pounds. In addition, where the point designated by the buyer as his receiving point is located at a distance greater than 10 miles from the nearest railroad siding, a processor may add 1/20 of 1 cent per 100 pounds for each mile in excess of 10 miles to such receiving point. The distance along the shortest and most direct motor vehicle highway route shall be used in calculating the distance from the railroad siding to the point designated by the buyer as his receiving point.

§ 1351.1758 *Maximum delivered price for less-than-carload lots to a consumer.* The maximum delivered price for yellow or white corn products in a sale of less-than-carload lots by a processor to a consumer shall be the same as the maximum delivered price established for less-than-carload lots in the previous paragraph plus a markup of 25 cents per hundred pounds.

§ 1351.1759 *Maximum price f. o. b. mill point.* The maximum f. o. b. mill point price in all cases shall be the same as the maximum delivered price at the mill point.

§ 1351.1760 *Jobber's maximum price.* The maximum price in a sale of yellow or white corn products by a jobber shall be the same as provided in this Maximum Price Regulation No. 305 for a processor.

§ 1351.1761 *Maximum prices shall not be increased by any special charges.* The maximum prices fixed in this maximum price regulation shall not be increased by any charges whatsoever, including, but not limited to, duties, brokerages and commissions, or storage, insurance, carrying and handling charges, or charges for the extension of credit.

§ 1351.1762 *Maximum price for custom milling.* The processing of corn by a dry corn milling process for a service charge is forbidden, if the combined cost of (a) the corn and (b) the service charge exceeds the maximum price established by this Maximum Price Regulation No. 305 for sales of corn products of a like quantity delivered at the mill point. In the case of a farmer who grows his own corn, "cost" means the selling price of corn in the farmer's usual market. If the hominy feed or other by-products produced from the corn are to be retained by the processor, the value of the hominy feed or other by-products retained must be considered in determining the service charge.

§ 1351.1763 *Maximum resale price by any buyer.* The maximum resale price at which any wholesaler or retailer may resell corn products shall be the maximum price calculated under Maximum Price Regulations No. 237[4] and 238.[5]

§ 1351.1764 *Export sales.* The maximum price at which a person may export corn products shall be determined in accordance with the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1351.1765 *Exempt sales.* The provisions of this Maximum Price Regulation No. 305 shall not apply to sales of corn products in cartons which sales shall be and remain subject to the General Maximum Price Regulation.[6] Carton means packaged for sale to the ultimate consumer in a sealed paperboard box holding three pounds or less.

§ 1351.1766 *Definitions.* The definitions in the General Maximum Price Regulation shall apply to all terms used in this Maximum Price Regulation No. 305 except as defined below.

(a) "Basing point" means Kansas City, Missouri.

(b) "Carload" means a shipment by rail of one or more corn products of at least the minimum weight, specified in the tariffs of railroad carrier, or in the rulings of the Office of Defense Transportation, upon which the railroad carload rate from the point of shipment to the point of destination is based: *Provided,* That a shipment of a lesser weight shall be considered a carload where the transportation charge for shipment of such lesser weight at the railroad carload rate is lower than would be charged for such a shipment at a railroad less-than-carload rate.

(1) "Consumer" means an ultimate user but shall not include the industrial or commercial user.

(c) "Corn products" means every product of corn made by a dry corn milling process from yellow or white corn, including, but not limited to, corn meal, corn flour, corn grits, hominy, hominy grits and brewers grits, except ground or cracked corn, corn bran, corn feed meal, hominy feed, corn germ cake and corn germ meal which are used for animal feeding purposes and products made by a dry corn milling process which prior to sale by a processor have been materially changed in form by further processing, including, but not limited to, brewers flakes, confectioners flakes and corn flakes

(d) "Jobber" (sometimes known as primary jobber) means a person who buys corn products whether in carlots or less-than-carlots and distributes the same to wholesalers.

(e) "Less-than-carload shipment" means a shipment of one or more corn products of any quantity other than a carload, mixed car or pool car shipment.

(f) "Mixed car shipment" means a shipment of a carload lot to a single buyer composed in part of corn products and in part of other products.

(g) "Pool car shipment" means a shipment of a carload lot by one seller consisting of two or more less-than-carload shipments to two or more buyers combined for the purpose of obtaining a carload rate.

(h) "Processor" means any person who manufactures or processes corn products by a dry corn milling process or any person, except a wholesaler or retailer, who packages corn products.

(i) "Retailer" means a person as defined in Maximum Price Regulation No. 238.

[3] 7 F.R. 9894.

[4] 7 F.R. 8205, 8427, 8808, 9183, 9973, 10013, 10715; 8 F.R. 373, 569.

[5] 7 F.R. 8209, 8808, 9184, 10013, 10227, 10714; 8 F.R. 120, 374, 532.

[6] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7788, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371.

(j) "Wholesaler" means a person as defined in Maximum Price Regulation No. 237.

§ 1351.1767 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 305 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, a copy of which may be secured upon request from the Office of Price Administration.

§ 1351.1768 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1351.1769 *Records and reports.* (a) Every person making sales of corn products after January 25, 1943, shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of (1) each purchase or sale, showing the date thereof, (2) the name and address of the buyer and the seller, (3) the price contracted for or received, and (4) the quantity of each type and grade of corn products purchased or sold.

(b) Upon demand such persons shall submit such records to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in the previous paragraph of this section as the Office of Price Administration may from time to time require.

§ 1351.1770 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 305 shall not be evaded in any manner whatsoever in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to corn products, alone or in conjunction with any other charge, or discount, premium or other privilege or by tying-agreement or other trade understanding or by changing a business practice relating to price lines, rating, labeling, packaging, branding or otherwise.

§ 1351.1771 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 305 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 305 or any price schedule, regulation or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, field, state or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1351.1772 *Geographical application.* The provisions of this Maximum Price Regulation No. 305 shall apply in continental United States, including the District of Columbia, but not in the territories and possessions of the United States.

§ 1351.1773 *Effective date.* This Maximum Price Regulation No. 305 (§§1351.-1751 to 1351.1774 inclusive) shall become effective January 26, 1943.

§ 1351.1774 *Appendix A: Differentials and charges.*

1. *Package differentials.* (a) "Basis" as used in this Appendix means a barrel of corn products packed in two 100-pound cotton bags, whether buyer's or seller's.

	Number sacks per barrel	Differential to be added or subtracted from basis for packing in seller's new bags	Differential to be added per barrel for handling and packing buyer's new and used bags
Cotton sacks:			
100 pds.	2	$ Basis	
98	2	.05 under	
96	2	.15 under	
50	4	.15 over	$.04
49	4	.10 over	.04
48	4	Same as basis	.04
25	8	.35 over	.08
24	8	.15 over	.08
20	10	.45 over	.10
12	16	.50 over	.16
10	20	.75 over	.20
9	20	.20 over	.20
6	32	.85 over	.24
5	40	1.20 over	.32
3	64	1.60 over	.48
2½	80	2.20 over	.60
Paper, sacks:			
50 pds.	4	Same as basis	.04
49	4	.05 under	.04
48	4	.15 under	.04
25	8	.15 over	.08
24	8	.05 under	.08
20	10	.20 over	.10
12	16	.15 over	.16
10	20	.45 over	.20
9	20	Same as basis	.20
6	32	.45 over	.24
5	40	.80 over	.32
3	64	1.15 over	.48
2½	80	1.70 over	.60
2	96	1.60 over	.72
1½	128	2.60 over	.85
1	200	4.40 over	1.00
Wood containers:			
200 pds.	1	1.05 over	.25
100	1	1.00 over	.25
Jute sacks:			
140 pds.	1.4	.05 under basis	
100	2	.05 over basis	
98	2	Same as basis	
96	2	.10 under basis	

2. *Charge for outside containers.* The seller may add to the above applicable differential the following charges: (a) for handling and packing seller's outside envelopes and containers:

	Cents per barrel additional
Outside jute envelopes (2 to barrel)	45
Outside jute envelopes (4 to barrel)	60
Outside cotton envelopes (2 to barrel	50
Outside fibre containers (4 to barrel)	45
Outside paper envelopes (4 to barrel)	35
Outside paper envelopes (8 to barrel)	50

(b) for handling and packing buyer's outside paper, cotton or jute envelopes 10¢ per barrel; for handling and packing buyer's fibre containers 15¢ per barrel.

3. *Differential or charge for containers not listed.* (a) A person who on January 26, 1943 sold, delivered or offered for sale corn products packed in containers (other than a carton as above defined in § 1351.1765) of a quality or size not listed in this Appendix shall use as his maximum differential (over the basis) or charge for such containers under this Appendix the highest differential (over the basis) or charge he used in a sale, or delivery or quoted in an offer for sale within 30 days prior to January 26, 1943.

(b) Any person who after January 25, 1943, packs corn products for sale in a container (other than a carton as above defined in § 1351.1765) not previously used by him which differs in quality or size from the containers listed in this Appendix shall use the lower differential or charge between the two differentials or charges for containers listed in this Appendix which are closest in size and cost.

(c) *Report.* Within 30 days after January 26, 1943; or within 30 days after a differential or charge is first used for a new container under the previous section, a report shall be filed with the Feed and Grain Section, Food and Food Products Branch, Office of Price Administration, Washington, D. C. setting forth under oath or affirmation the cost of the container, the cost of packing or handling and other facts justifying the differential or charge which is used. Upon demand, the Price Administrator may require a person making such report to furnish additional information.

(d) Adjustment of differential and charge. Any differential or charge applied under this section shall be subject to adjustment by the Price Administrator at any time.

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1033; Filed, January 21, 1943; 5:03 p. m.]

PART 1398—OFFICE AND STORE MACHINES

[Ration Order 4A,[1] Amendment 1]

TYPEWRITERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1398.114 is amended and a new § 1398.153 is added, as set forth below:

SUBPART A—HOW TO GET A TYPEWRITER

* * * * *

Acquiring Typewriters Without Certificates

§ 1398.114 *Certificate-free rental of Class B typewriters permitted until May 1, 1943.* During the period to May 1, 1943, a Class B typewriter may be rented by, and to, any person for the balance of that period, without the surrender of a Certificate. (The terms of the rental agreement are governed by Section 1338.-127).

SUBPART C—GENERAL PROVISIONS

* * * * *

Order Effective

§ 1398.153 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1398.-114 and 1398.153) to Ration Order 4A shall become effective January 21, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10306.

Cong.; W. P. B. Directive No. 1; Supplementary Directive No. 1-D; Conversion Order No. L-54-a, 7 F.R. 562, 1792, 2130)

Issued this 21st day of January, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1084; Filed, January 21, 1943; 5:00 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 232 Under § 1499.3 (b) of GMPR]

REPUBLIC TEA AND COFFEE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1468 *Authorization of maximum price for sale of Coffee Plus 10% Filler brand of coffee compound by Republic Tea and Coffee Company to restaurants.* (a) On and after January 22, 1943, the maximum price for sales of Coffee Plus 10% Filler by Republic Tea and Coffee Company, having its principal place of business at New York, New York, shall be 30½¢ per pound delivered to restaurants.

(b) This Order No. 232 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 232 (§ 1499.1468) shall become effective January 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1096; Filed, January 21, 1943; 5:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 233 Under § 1499.3 (b) of GMPR]

INTERSTATE COFFEE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1469 *Authorization of maximum prices for sale of Banner Coffee and Cereal, a coffee compound, and Banner Whole Roasted Cereal, a coffee extender, by Interstate Coffee Company, by wholesalers and retailers.* (a) (1) On and after January 22, 1943 the maximum price for sales of Banner Coffee and Cereal, a coffee compound, by Interstate Coffee Company having its principal place of business at Augusta, Georgia, shall be 11¢ per pound when sold in bulk quantities of 25-pound, 50-pound, and 100-pound units. This price shall include delivery to customer's place of business.

(2) On and after January 22, 1943 the maximum price for sales of Banner Whole Roasted Cereal, a coffee extender, by Interstate Coffee Company having its principal place of business at Augusta, Georgia shall be 4¢ per pound when sold in bulk quantities of 25 pounds, 50 pounds and 100 pounds. This price shall include delivery to customer's place of business.

(b) Sellers at wholesale shall determine their maximum selling prices of "Banner Coffee and Cereal" and "Banner Whole Roasted Cereal" by applying the provisions of Maximum Price Regulation 237 as amended.

(c) Sellers at retail shall determine their maximum selling prices of "Banner Coffee and Cereal" and "Banner Whole Roasted Cereal" by applying the provisions of Maximum Price Regulation 238 as amended.

(d) This Order No. 233 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 233 (§ 1499.1469) shall become effective January 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1090; Filed, January 21, 1943; 5:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 234 Under § 1499.3 (b) of GMPR]

JAMES H. FORBES TEA AND COFFEE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1470 *Authorization of maximum price for sale of "Forbes Finest Coffee, Cereal and Chicory", a coffee compound by James H. Forbes Tea and Coffee Company, by wholesalers and by retailers.* (a) On and after January 22, 1943, the maximum price for sales of "Forbes Finest Coffee, Cereal and Chicory", coffee compound by James H. Forbes Tea and Coffee Company, having its principal place of business at St. Louis, Missouri, shall be 25¢ per pound. This price shall include delivery to buyer's station.

(b) Sellers at wholesale shall determine their maximum selling prices of "Forbes Finest Coffee, Cereal and Chicory" by applying the provisions of Maximum Price Regulation 237 as amended.

(c) Sellers at retail shall determine their maximum selling prices of "Forbes Finest Coffee, Cereal and Chicory" by applying the provisions of Maximum Price Regulation 238 as amended.

(d) This Order No. 234 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 234 (§ 1499.1470) shall become effective January 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1089; Filed, January 21, 1943; 5:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 235 Under § 1499.3 (b) of GMPR]

STANDARD BRANDS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1471 *Authorization of maximum price for sale of Chase and Sanborn Victory Blend and Fancy Mark Victory Blend, coffee compounds by Standard Brands, Inc., by wholesalers and by retailers.* (a) (1) On and after January 22, 1943, the maximum price for sales of Chase and Sanborn Victory Blend, coffee compound by Standard Brands, Inc. having its principal place of business in New York, New York shall be as follows:

Chase and Sanborn Victory Blend:	
List price per pound	$.23
Quantity price per pound	$.21

Quantity price applies to those purchasers buying more than 100 pounds per month.

This price shall include delivery to buyer's station.

(2) On and after January 22, 1943, the maximum price for sales of Fancy Mark Victory Blend, coffee compound by Standard Brands, Inc., having its principal place of business in New York, New York shall be as follows:

Fancy Mark Victory Blend:	Cents
List price per pound	25
Quantity price per lb. if 100 to 199 lbs. are purchased per mo	24½
Quantity price per lb. if 200 to 399 lbs. are purchased per mo	24
Quantity price per lb. if 400 to 599 lbs. are purchased per mo	23½
Quantity price per lb. if 600 to 999 lbs. are purchased per mo	23
Quantity price per lb. if 1000 to 1999 lbs. are purchased per mo	22
Quantity price per lb. if 2000 or more lbs. are purchased per mo	21

This price shall include delivery to buyer's station.

(b) Sellers at wholesale shall determine their maximum selling prices of Chase and Sanborn Victory Blend and Fancy Mark Victory Blend by applying the provisions of Maximum Price Regulation 237 as amended.

(c) Sellers at retail shall determine their maximum selling prices of Chase and Sanborn Victory Blend and Fancy Mark Victory Blend by applying the provisions of Maximum Price Regulation 238 as amended.

(d) This Order No. 235 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 235 (§ 1499.1471) shall become effective January 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1088; Filed, January 21, 1943; 5:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 236 Under § 1499.3 (b) of GMPR]

BALDWIN LABORATORIES

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1472 *Authorization of maximum price for sale of "Jeep", a coffee substitute, by Baldwin Laboratories, by wholesalers and by retailers.* (a) On and after January 22, 1943, the maximum price for sales of "Jeep" coffee substitute by Baldwin Laboratories, having its principal place of business at Saegerstown, Pennsylvania, shall be 15¢ per pound. This price shall include delivery to buyer's station.

(b) Sellers at wholesale shall determine their maximum selling prices of "Jeep" by applying the provisions of Maximum Price Regulation 237 as amended.

(c) Sellers at retail shall determine their maximum selling prices of "Jeep" by applying the provisions of Maximum Price Regulation 238 as amended.

(d) This Order No. 236 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 236 (§ 1499.1472) shall become effective January 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1097; Filed, January 21, 1943; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 6 Under § 1499.18 (c), as Amended, of GMPR]

OAKCHAR PRODUCTS CORPORATION

Order No. 6 under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Docket No. GF1-126-P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1506 *Adjustment of maximum prices for charcoal produced by the Oakchar Products Corporation.* (a) Oakchar Products Corporation of Oakland, California may sell and deliver, and anyone may buy, charcoal at prices no higher than those set forth below:

(1) *Charcoal briquettes*—(i) *Delivered to distributors.* The prices set forth in (iii) below less a discount of 50% plus 2% 10 days.

(ii) *Delivered to department stores.* The prices set forth in (iii) below less a discount of 45% plus 2% 10 days.

(iii) *Base prices:*

5 pound bag	$0.35
10 pound bag	.60
20 pound bag	1.10
40 pound bag	2.00

(2) *Poultry charcoal:*

$45.00 per ton, f. o. b. Paso Robles, California.

(b) *Notice to purchasers.* (1) At the first delivery of charcoal briquettes to Taylor Milling Corporation at a price authorized by this order, Oakchar Products Corporation shall deliver to Taylor Milling Corporation the following notice:

The Office of Price Administration has permitted us to discontinue our previous discount of 5% to you for soliciting department stores. You are not permitted to raise your maximum price for the sale of charcoal briquettes purchased from us.

(2) At the first delivery of charcoal briquettes to a department store at a price authorized by this Order, the Oakchar Products Corporation shall deliver the following notice to such purchaser:

The Office of Price Administration has permitted us to discontinue our advertising allowance of 5% to department stores. You or no other seller is permitted to raise his maximum price for the sale of charcoal briquettes purchased from us.

(3) At the first delivery to any purchaser of poultry charcoal at a price authorized by this Order, Oakchar Products Corporation shall deliver the following notice to the purchaser:

The Office of Price Administration has permitted us to raise our maximum price to you for poultry charcoal from $40.00 per ton, f. o. b. Paso Robles, California to $45.00 per ton, f. o. b. Paso Robles, California. You are permitted to increase your maximum price for resale of this charcoal by $5.00 per ton.

(c) *Resellers of poultry charcoal.* Resellers of poultry charcoal produced by Oakchar Products Corporation may increase their maximum prices for such poultry charcoal as established by the General Maximum Price Regulation by $5.00 per ton. On the first delivery by any reseller of poultry charcoal produced by Oakchar Products Corporation to any purchaser, such reseller shall deliver to such purchaser the following notice:

The Office of Price Administration has permitted us to raise our maximum price for poultry charcoal produced by Oakchar Products Corporation by $5.00 per ton. You are permitted to increase your maximum price for resale of such poultry charcoal by $5.00 per ton.

(d) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 6 (§ 1499.1506) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 6 (§ 1499.1506) shall become effective January 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1037; Filed, January 21, 1943; 5:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 13 Under Supp. Reg. 15 of GMPR]

J. J. SCHAEFFER TRUCKING SERVICE, INC.

Order No. 13 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket No. 3165-12.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1313 *Adjustment of maximum prices for contract carrier services by J. J. Schaeffer Trucking Service, Inc., Bronx, New York City, N. Y.* (a) J. J. Schaeffer Trucking Service, Inc., 1155 Leggett Avenue, Bronx, New York City, N. Y., hereinafter referred to as applicant, may charge as maximum rates the amounts set out in that schedule of minimum rates and charges filed with the Interstate Commerce Commission under the provisions of Section 218 (a) of the Interstate Commerce Act, denoted as M. F.—I. C. C. No. 5, effective June 13, 1942, for applicant's services as a contract carrier by motor vehicle as described in said schedule.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 13 (§ 1499.1313) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 13 (§ 1499.1313) shall become effective January 22, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1036; Filed, January 21, 1943; 5:00 p. m.]

Chapter XIII—Petroleum Administration for War

[Petroleum Administrative Order 5]

PART 1545—PETROLEUM SUPPLY

LIMITATION ON DELIVERY OF MOTOR FUEL BY TANK CAR

The fulfillment of requirements for the defense of the United States has created in certain areas a shortage in the supply of tank cars for the movement of petroleum, particularly fuel oil, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest, to promote the national defense, and to provide adequate supplies of fuel oil for military and other essential uses:

§ 1545.2 *Petroleum Administrative Order 5*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Motor fuel" means liquid fuel, except Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "District One" means the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts,

New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, and the District of Columbia.

(b) *Limitation on delivery of motor fuel by tank car to District One.* No person may deliver or otherwise supply motor fuel from outside District One by tank car to any person within District One and no person within District One may accept a tank car delivery of motor fuel from outside District One: *Provided,* That the delivery of any motor fuel loaded in tank cars on the effective date of this order may be completed.

(c) *Directions.* The Petroleum Administrator for War may from time to time issue supplementary orders or directions with respect to the delivery of motor fuel into or out of District One.

(d) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file an appeal setting forth the pertinent facts and reasons why he considers himself entitled to relief. All appeals shall be filed in quadruplicate.

(e) *Appeals and correspondence.* All appeals filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the Director of Petroleum Supply, Petroleum Administration for War, South Interior Building, Washington, D. C., Ref.: PAO 5.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(g) *Effective date.* This order shall take effect on the date of issuance.

(E.O. 9276, 7 F.R. 10091; E. O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of January 1943.

R. K. DAVIES,
Acting Petroleum Administrator for War.

[F. R. Doc. 43-1074; Filed, January 21, 1943; 1:03 p. m.]

[Petroleum Directive 63]

PART 1555—PIPELINE OPERATIONS

UTILIZATION OF WAR EMERGENCY PIPELINE

The diversion for war and other essential purposes, together with loss through enemy action, of tankers normally engaged in the transportation of petroleum from United States Gulf Coast ports to Atlantic ports has made necessary the construction of the 24-inch War Emergency Pipeline system from the vicinity of Longview, Texas, to Norris City, Illinois, thence northeasterly to the vicinity of Philadelphia and Bayonne. The following operating directive is deemed necessary to maintain that pipe line system at maximum operating capacity for the prosecution of the war and most effective utilization of petroleum:

§ 1555.1 *Petroleum Directive 63*—(a) *Utilization of the War Emergency Pipeline.* (1) The War Emergency Pipeline system shall be utilized exclusively for the purpose of relieving shortages of crude petroleum and petroleum products in District One.

(2) East Texas crude oil is designated as the kind of petroleum with which the segment of the line from Longview, Texas, to Norris City, Illinois, shall initially be filled.

(3) Number Two heating oil and sweet crude oil of a type required by District One refineries for the maximum manufacture of those war products deemed by the Administrator to be most essential, are designated as the kinds of petroleum to be utilized for working stocks and transported through the War Emergency Pipeline system.

(4) As soon as practicable, all Number Two heating oil available for delivery to the Longview terminus by connecting pipe lines shall be transported to that point for transmission eastward through the War Emergency Pipeline system. The remaining capacity of the system shall be utilized for the transportation of sweet crude oil of the type described above. When and as the necessities of the war require, or extensions or additions to the pipeline system facilities permit, other or additional kinds of petroleum may be designated for transportation pursuant to the provisions hereof.

(b) *Preparation and filing of reports, forecasts and plans.* (1) War Emergency Pipelines, Inc., shall prepare and file with the Director of Transportation, Petroleum Administration for War, weekly condensed reports of operations of the pipeline system including, but not necessarily restricted to, the daily average throughput of heating oil and crude oil during the preceding week; the quantities of both commodities: in storage at each of the termini of the line; in transit to and from the Longview terminus; and received from and delivered to connecting pipelines and other carriers or receivers. Such additional data and reports relating to deliveries to, receipts from, and operations of War Emergency Pipelines system shall be furnished promptly by War Emergency Pipelines, Inc., or others engaged in the industry upon request therefor by the Petroleum Administration for War.

(2) On or before the tenth day of each calendar month, War Emergency Pipelines, Inc., shall prepare and file with the Petroleum Administrator:

(i) A forecast of the throughput capacity of the line and a forecast of the terminal storage and daily delivery capacities to tank cars, barges, or other connecting pipelines at each of the easterly termini of the line, for each of the three following months; and

(ii) A suggested plan of physical operation of the pipeline system for each of the three following months.

(c) *Preparation and issuance of operating schedules.* (1) On or before the twentieth day of each calendar month sultation with the Director of Petroleum Administration for War, after consultation with the Director of Petroleum Supply, Petroleum Administration for War, shall issue schedules hereunder, based upon the principles hereinafter set forth, designating finally for the following calendar month, and tentatively for the second and third following months:

(i) By whom and in what quantities crude oil and heating oil shall be delivered to Longview and sold to War Emergency Pipelines, Inc., as Agent for Defense Supplies Corporation;

(ii) By whom and in what quantities the crude oil and heating oil to be delivered at the easterly termini of the pipeline system during each such month shall be purchased and received; and

(iii) The refineries and terminals in District One to which such crude oil and heating oil shall be supplied.

(2) To the extent practical, schedules issued hereunder shall be based upon the following general principles:

(i) Priority shall be accorded District Three sources of suitable crude oil and heating oil which may be made available with minimum disruption of essential refining operations and which may be transported most expeditiously by pipeline to the Longview terminus.

(ii) Priority shall be accorded District One purchasers of crude oil at the easterly termini of the pipeline system who require the same for the manufacture of those war products deemed by the Administrator to be most essential. Such purchasers will be required to offer to sell an equivalent quantity to War Emergency Pipelines, Inc., as Agent for Defense Supplies Corporation, at Longview, if the same reasonably may be made available by them, their subsidiaries, or affiliates consistently with the intent and purpose of this Directive.

(iii) Priority of designation for purchase of heating oil at the easterly termini of the pipeline system shall be accorded original suppliers in District One (as defined in Petroleum Directive 59, as amended (7 F.R. 10621) or as the same hereafter may be amended) whose railroad terminal facilities will best expedite movement of tank car trains operating between the easterly termini of the pipeline system and terminals in District One.

(d) *Adjustments and corrections of inequities.* Deliveries of crude and heating oil to purchasers designated by schedules issued hereunder shall be taken into account in the administration of Petroleum Directive 59, and amendments or supplements thereto. Adjustments required to prevent inequities which otherwise might result from compliance herewith shall be made in the manner prescribed and in accordance with the principles set forth in said Petroleum Directive 59.

(e) *Administration.* (1) The Director of Transportation shall advise and consult with the Director of Petroleum Sup-

ply and shall from time to time direct affirmative action by those engaged in the industry to provide for the storage and to facilitate the efficient transportation and delivery of crude oil and heating oil to, through and from the War Emergency Pipeline System.

(2) War Emergency Pipelines, Inc., any committees, appointed or approved by the Office of Petroleum Coordinator, or Petroleum Administration for War, and any other persons engaged in the industry may confer, accumulate and submit information, data and suggestions to the Petroleum Administrator respecting schedules or directions to be issued hereunder.

(3) The Director of Petroleum Supply and the Director of Transportation shall coordinate the activities of those engaged in the industry affected by this Directive and administer schedules and directions issued hereunder.

(4) No petroleum or petroleum products shall be transported through the facilities of the War Emergency Pipeline System except in pursuance of this Directive or amendments and supplements thereto.

(f) *Appeals.* An appeal may be taken to the Petroleum Administrator by any party feeling itself aggrieved by any designation, schedule or direction issued hereunder, but pending disposition of such appeal, such designation or order shall be complied with.

(E.O. 9276, 7 F.R. 10091)

Issued this 20th day of January 1943.

R. K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 43-1073; Filed, January 21, 1943; 1:03 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[Tobacco 703 (Dark Air-cured) Part I]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1943–44 MARKETING YEAR

PROCEDURE FOR THE DETERMINATION OF ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1943

Sec.

GENERAL

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726.557 Extent of calculations and rule of fractions.
726.558 Instructions and forms.
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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

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726.561 Determination of preliminary 1943 acreage allotments for old farms.
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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

726.567 Determination of acreage allotments for new farms.
726.568 Time for filing application.
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GENERAL

§ 726.556 *Definitions.* As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires. (a) "Dark Air-cured Allotment Procedure for 1943" means this Tobacco 703 (Dark Air-cured).

(b) "County committee" means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Programs in such county.

(c) "New farm" means a farm on which dark air-cured tobacco was not produced in any of the five years 1938 to 1942, but on which dark air-cured tobacco will be produced in 1943.

(d) "Old farm" means a farm on which dark air-cured tobacco was produced in one or more of the five years 1938 to 1942, and on which dark air-cured tobacco will be produced in 1943.

(e) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(f) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(g) "State committee" means the group of persons designated within any State to assist in the administration of the Agricultural Conservation Programs in such State.

(h) "Tobacco" means dark air-cured tobacco as classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 35 and 36.

§ 726.557 *Extent of calculations and rule of fractions.* (a) All percentages shall be calculated to the nearest whole percent. Fractions of more than fifty-hundredths of one percent shall be rounded upward, and fractions of fifty-hundredths of one percent or less shall be dropped. For example, 87.51 percent would become 88 percent and 87.50 percent would become 87 percent.

(b) All acreages except the preliminary farm acreage allotment and the final farm acreage allotment for 1943 shall be calculated to the nearest one-hundredth of an acre. The preliminary and final 1943 farm acreage allotment shall be calculated to the nearest one-tenth of an acre and fractions of fifty-one thousandths of an acre or more shall be rounded upward and fractions of fifty-thousandths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.

§ 726.558 *Instructions and forms.* The Chief of the Agricultural Adjustment Agency of the United States Department of Agriculture shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out this procedure.

§ 726.559 *Applicability of procedure.* This allotment procedure for 1943 shall govern the establishment of farm acreage allotments and normal yields for dark air-cured tobacco for use in connection with the 1943 Agricultural Conservation Program and in connection with farm marketing quotas for dark air-cured tobacco for the marketing year beginning October 1, 1943.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 726.560 *Determination of acreage allotments for old farms.* The 1943 dark air-cured tobacco acreage allotment for an old farm shall be the preliminary 1943 dark air-cured tobacco acreage allotment as determined in accordance with § 726.561 and adjusted in accordance with § 726.562. The 1943 dark air-cured tobacco acreage allotment thus determined for an old farm shall be subject to the adjustment provisions of §§ 726.563 and 726.564.

§ 726.561 *Determination of preliminary 1943 acreage allotments for old farms.* The preliminary 1943 dark air-cured tobacco acreage allotment for an old farm shall be that percent of the 1943 normal acreage for the farm which the 1943 State acreage allotment is of the 1943 normal acreage of dark air-cured tobacco for all old farms in the State: *Provided,* That if the preliminary acreage allotment so determined for any farm (except a farm operated, controlled, or directed by a person who also operates, controls or directs another farm on which dark air-cured tobacco is produced) is less than that acreage which with the normal yield would produce 2,400 pounds of tobacco, such preliminary acreage allotment shall be increased to the smaller of (1) 120 percent thereof, or (2) that acreage, which when multiplied by the normal yield would produce 2,400 pounds of tobacco.

This method of determining preliminary 1943 dark air-cured tobacco acreage allottments will result in a preliminary 1943 acreage allotment equal to the 1942 acreage allotment for a farm except for those farms for which the normal acreage is adjusted under paragraph (b) of this section; therefore, for all other farms, the committee may establish the preliminary 1943 allotment at the same acreage as the 1942 acreage allotment plus any acreage by which the 1942 allotment was reduced because of violation of the 1941–42 Marketing Quota Regulations: *Provided, however,* No acreage allotted to such farm in 1942 from the State pools, except the acreage allotted to a farm the owner of which was dispossessed of another farm by the acquisition thereof by a Federal agency for national

defense purposes, shall be used in determining the 1943 preliminary acreage allotment. This provision shall not be construed to prohibit determining any allotments for 1943 under the provisions of paragraph (a) of § 726.563.

(a) *Determination of 1943 normal acreage.* The 1943 normal acreage for an old farm shall be determined by applying the applicable diversion factor to the 1942 acreage allotment plus any acreage by which the 1942 allotment was reduced because of violation of the 1941–42 Marketing Quota Regulations: *Provided, however,* No acreage allotted to the farm in 1942 from the State pools, except the acreage allotted to a farm, the owner of which was dispossessed of another farm by the acquisition thereof by a Federal agency for national defense purposes, shall be used in determining the 1943 normal acreage.

1940 acreage allotment	1942 acreage allotment	Diversion factor (percent of allotment)
3.5 acres or less	2.6 acres or less	194
3.6 acres	2.7 acres	196
3.7 acres	2.8 acres	211
3.8 acres	2.8 acres	225
3.9 acres	2.9 acres or more	233

(b) *Adjustment of 1943 normal acreage.* The 1943 normal acreage for an old farm, determined as provided above, shall be adjusted so as to take into account any changes for 1943 in respect to the past acreage of dark air-cured tobacco (harvested and diverted acreage in the five years 1938–42 as compared with the five years 1937–41) making due allowance for the effect of drought, flood, hail, other abnormal weather conditions, plant-bed and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That in determining the 1942 harvested and diverted acreage of dark air-cured tobacco, any amount by which the 1942 harvested acreage is less than the 1942 farm acreage allotment shall be considered as diverted acreage.

§ 726.562 *Adjustment of preliminary 1943 acreage allotment.* An acreage not in excess of one-half of one percent of the State acreage allotment for dark air-cured tobacco shall be apportioned to each county in the State on the basis of the percentage the total 1942 dark air-cured tobacco acreage allotment in each county is of the State acreage allotment for dark air-cured tobacco, unless otherwise recommended by the State committee and approved by the Regional Director. Such acreage shall be used by the county committees as hereinafter provided in this section, if the committees find that such action will establish allotments which are fair and equitable taking into consideration the past acreage of dark air-cured tobacco grown on the farm; land, labor and equipment available for the production of dark air-cured tobacco; crop rotation practices; and the adaptability of the soil to the growing of dark air-cured tobacco. The acreage available in each county may be used for establishing 1943 dark air-cured tobacco acreage allotments and for adjusting upward preliminary 1943 dark air-cured tobacco acreage allotments in the following order and under the following conditions:

(a) The acreage by which 1943 preliminary allotments established under the provisions of § 726.561 hereof exceeds the 1942 acreage allotments for such farms shall be deducted from the acreage apportioned to the county as provided above.

(b) A preliminary 1943 dark air-cured tobacco acreage allotment may be established for a farm which grew dark air-cured tobacco in 1942 for which no dark air-cured tobacco acreage allotment was established in such year. Any such allotment shall not exceed the larger of five-tenths of one acre or 10 percent of the 1942 harvested acreage of dark air-cured tobacco.

(c) The preliminary 1943 dark air-cured tobacco acreage allotment for any farm may be adjusted upward. Such adjustment shall not exceed the larger of 10 percent of the 1943 preliminary acreage allotment or one-half acre. Any allotment established or adjusted as provided above shall be subject to the approval of the State committee.

§ 726.563 *Reallocation of allotments released from farms removed from agricultural production.* (a) Except as provided in paragraph (b) of this section, the dark air-cured tobacco allotment determined or which would have been determined for any land which is removed from agricultural production because of acquisition by a State or Federal agency for any purpose or by a person for use in connection with the national defense program shall be available to State committees for use in providing equitable allotments for farms on which tobacco was grown in one or more of the three years, 1940 through 1942 and which are operated in 1943 by persons who were producers of tobacco on land so removed from agricultural production. Insofar as possible, the allotments for farms operated by such persons shall be comparable to the allotments for other old farms in the same community which are similar with respect to land, labor and equipment available for the production of tobacco; crop rotation practices; soil and other physical factors affecting the production of tobacco, taking into consideration the allotment for the land removed from agricultural production. The allotment so determined shall be subject to the approval of the State committee and shall not exceed the larger of (1) the 1943 allotment previously determined for such land, or (2) the allotment which was or would have been determined for the land removed from agricultural production: *Provided,* That in no event shall the allotment so determined exceed the larger of 20 percent of the acreage of cropland in the farm, or three acres.

(b) The allotment determined or which would have been determined for any land acquired on or since January 1, 1940 by any Federal agency for national defense purposes shall be placed in a State pool and shall be used in determining equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farm by a Federal agency for national defense purposes. Upon application to the county committee, any owner so displaced shall be entitled to have an allotment for any one of the other farms owned or purchased by him equal to an allotment which would have been determined for such other farm, plus the allotment which would have been determined for the farm acquired by the Federal agency: *Provided,* That such allotment shall not exceed 20 percent of the acreage of cropland in the farm. The provision of this subsection shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal agency, (2) any tobacco produced on such farm has not been accounted for as required by the Secretary, or (3) if the allotment next to be established for the farm acquired by the Federal agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 726.564 *Reduction of acreage allotment for violation of the 1942–43 Marketing Quota Regulations.* If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment established for each such farm for 1943 shall be reduced by the amount of tobacco so marketed: *Provided,* That such reduction shall not be made if the Secretary, through the county committee, determines that no person connected with such farm during the 1942–43 marketing year caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the actual yield for the farm during the year in which such tobacco was produced.

§ 726.565 *Farms subdivided or combined by reconstitution.* (a) If land operated as a single farm in 1942 or any previous year has subsequently been subdivided and will be operated in 1943 as two or more farms, the 1943 dark air-cured tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of dark air-cured tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of dark air-cured tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1942 or any previous year have subsequently been combined and will be operated in 1943 as a single farm, the 1943 dark air-cured tobacco allotment shall be the sum of the 1943 dark air-cured tobacco allotments determined or which otherwise would have been determined for each of the farms composing the combination.

§ 726.566 *Determination of normal yields.* The normal yield for any farm shall be the average of the yields obtained on the farm during the years 1937–41, adjusted by the county committee so as to more accurately reflect the normal yield on the farm represented by the soil and other physical factors affecting the production of dark air-cured tobacco, by taking into consideration yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county in 1942 unless an adjustment for abnormal conditions is made by the Secretary upon recommendation of the State committee.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 726.567 *Determination of acreage allotments for new farms.* The dark air-cured tobacco acreage allotment other than an allotment made under paragraph (b) of § 726.563 for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration each of the following factors:

(a) The past dark air-cured tobacco experience of the farm operator;

(b) The acreage of cropland in the farm suitable for dark air-cured tobacco production;

(c) The acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of dark air-cured tobacco;

(d) The customary crop rotation practices;

(e) Adaptability of the soil to the growing of dark air-cured tobacco.

Provided, That the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of (1) one fifth of the total acreage of dark air-cured tobacco grown by the farm operator during the five years 1938 through 1942, (2) 75 percent of the average dark air-cured tobacco acreage allotment for old farms in the county, or (3) one acre.

Notwithstanding any other provisions of this section, a dark air-cured tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

(a) The farm operator shall have had two years or more experience in growing dark air-cured tobacco as a share-cropper, tenant, or as a farm operator during the past five years;

(b) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;

(c) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any tobacco is produced;

(d) There is a dark air-cured tobacco curing barn in condition for use on the farm; and

(e) No kind of tobacco other than dark air-cured tobacco will be grown on such farm in 1943.

The dark air-cured tobacco acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new dark air-cured tobacco farms.

The dark air-cured tobacco acreage available for establishing allotments for new farms shall be one-tenth of one percent of the national allotment for dark air-cured tobacco.

§ 726.568 *Time for filing application.* In order to obtain an allotment for a new dark air-cured tobacco farm in 1943, the operator of the farm shall file an application for such allotment with the county committee prior to February 1, 1943.

§ 726.569 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of dark air-cured tobacco are similar.

Done at Washington, D. C. this 21st day of January 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-1123; Filed, January 22, 1943; 11:59 a. m.]

Chapter IX—Agricultural Marketing Administration

PART 912—DUBUQUE, IOWA, MARKETING AREA

HANDLING OF MILK

It is provided in Public Act. No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue and amend orders regulating such handling of certain agricultural commodities (including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

Sec.

AUTHORITY: 912.1 to 912.14, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. 1940 ed. 601 *et seq.*

§ 912.1 *Findings and determinations*—(a) *Findings.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.1–900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The aforesaid order, as amended and as hereby amended, and all of the terms and conditions of said order as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the Dubuque, Iowa, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in the aforesaid order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The aforesaid order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the aforesaid tentatively approved marketing agreement, as amended, upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers of at least 50 percent of the volume of milk covered by this order, as amended, which is marketed within the Dubuque, Iowa, marketing area refused or failed to sign the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interest of producers of milk which is produced for sale

in the Dubuque, Iowa, marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the questions of the approval of this order, as amended, and who, during the determined representative period, were engaged in the production of milk for sale in said Dubuque, Iowa, marketing area.

§ 912.2 *Order relative to handling.* It is therefore ordered that, from and after the effective date hereof, the handling of milk in the Dubuque, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of this order, as amended.

Provisions

§ 912.3 *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "Dubuque, Iowa, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Dubuque, Iowa, the township of Dubuque, Iowa, sections 1, 2, 3, 11, and 12 of the township of Table Mound, and sections 5 and 6 of the township of Mosalem, all in the county of Dubuque in the State of Iowa.

(2) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(3) The term "producer" means any person who produces milk which is received at the plant of a handler from which Class I or Class II milk is disposed of in the marketing area.

(4) The term "graded producer" means any person who, in conformity with the requirements of the Dubuque health authorities for milk disposed of for consumption as milk, produces milk which is received at the plant of a handler from which Class I or Class II milk is disposed of in the marketing area, or which a cooperative association causes to be delivered to a plant from which no Class I or Class II milk is disposed of in the marketing area.

(5) The term "handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk or cream and who disposes of Class I or Class II milk in the marketing area. This definition shall include any cooperative association with respect to milk caused to be delivered from a graded producer to a plant from which no Class I or Class II milk is disposed of in the marketing area.

(6) The term "producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided,* That (i) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (ii) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(7) The term "market administrator" means the person designated pursuant to § 912.4 as the agency for the administration hereof.

(8) The term "delivery period" means the current marketing period from the first to and including the last day of each month.

(9) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(10) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(11) The term "cooperative association" means any cooperative association of producers which the Secretary determines (i) to have its entire activities under the control of its members, and (ii) to have and to be exercising full authority in the sale of milk of its members.

§ 912.4 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by § 912.11, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 912.7, or (ii) made payments pursuant to § 912.10.

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 912.5 *Classification of milk*—(a) *Basis of classification.* All milk or cream purchased or received by a handler or caused to be delivered by a cooperative association to a plant from which no milk is disposed of in the marketing area shall be reported by the handler and shall be classified by the market administrator in the classes set forth in (b) of this section: *Provided,* That (1) any milk moving as fluid milk from any handler's plant to a plant of a nonhandler who distributes fluid milk shall be classified as Class I milk and any cream moving as fluid cream to a plant of such nonhandler shall be classified as Class II milk; (2) any milk or cream moving from a handler's plant to a plant of a nonhandler who does not distribute fluid milk or cream shall be classified as Class III milk, subject to verification by the market administrator; and (3) any milk moving as fluid milk from any handler's plant to a plant of another handler shall be classified as Class I milk, and any cream moving as fluid cream from any handler's plant to a plant of another handler shall be classified as Class I milk: *Provided,* That if the selling handler, except for milk and cream moving to the plant of a producer-handler or to the plant of a handler who is also a producer, on or before the 5th day after the end of the delivery period during which such milk or cream was moved, furnishes to the market administrator a statement which is signed by the buyer and the seller that such milk or cream was utilized in a lower classification, such milk or cream shall be classified accordingly, subject to verification by the market administrator.

(b) *Classes of utilization.* Subject to the conditions set forth in (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of as milk except such milk as is classified as Class II milk and as Class III milk pursuant to (2) and (3) of this paragraph and all unaccounted for milk in excess of 3 percent of the total receipts of butterfat from producers converted to 3.5 percent milk equivalent.

(2) Class II milk shall be all milk disposed of as cream, for consumption as cream including any cream product in fluid form which contains 6 percent or more but less than 18 percent butterfat, flavored milk, creamed buttermilk, and creamed cottage cheese.

(3) Class III milk shall be all milk accounted for as used to produce butter, cheese other than creamed cottage cheese, evaporated milk, condensed milk, powdered whole milk, ice cream mix, and ice cream and all unaccounted for milk not in excess of 3 percent of the total receipts of butterfat from producers converted to 3.5 percent milk equivalent.

(c) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of milk as required in (b) of this section, the burden rests upon the handler who receives milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(d) *Computation of milk in each class.* For each delivery period, the market administrator shall compute, in the case of each handler, the amount of milk in each class, as defined in (b) of this section, as follows:

(1) Determine the total pounds of milk received from (i) producers, (ii) handler's own farm production, (iii) other handlers, (iv) other sources, and (v) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (i) multiply the weight of the milk received from producers by its average butterfat test; (ii) multiply the weight of the milk received from handler's own farm production by its average butterfat test; (iii) multiply the weight of the milk received from other handlers by its average butterfat test; (iv) multiply the weight of the milk received from other sources by its average butterfat test; and (v) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) convert to pounds the total quantity of milk disposed of in the form of milk on the basis of 2.15 pounds per quart; (ii) multiply the result by the average butterfat test of such milk; and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to (4) (ii) and (5) (iv) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with (2) of this paragraph, an amount equal to the difference shall be divided by 3.5 percent and added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) multiply the actual weight of each of the several products of Class II milk by its average butterfat test; (ii) add together the resulting amounts; and (iii) divide the result obtained in (ii) of this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat in Class I milk and Class II milk, compued pursuant to (3) (ii) and (4) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to (ii) of this subparagraph, from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat from producers by the handler); (iv) add the result obtained in (iii) of this subparagraph (but not to exceed 3 percent of the total receipts of butterfat from producers by the handler) and the result obtained in (ii) of this subparagraph; and (v) divide the result obtained in (iv) of this subparagraph by 3.5 percent.

(6) Determine the classification of milk received from producers as follows: (i) Subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class; (ii) subtract from the remaining pounds of milk in each class the total pounds of milk which were received from sources other than producers and handlers and used in such class; (iii) subtract pro rata from the remaining pounds of milk in each class the total pounds of milk which were received from the handler's own farm production; and (iv) except as set forth in (e) of this section, the result shall be known as the "net pooled milk" in each class.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk utilized in the various classes as computed pursuant to (d) of this section and the quantity of milk received from producers, except for excess milk or milk equivalent of batterfat pursuant to § 912.8 (d), such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in Class III.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the total utilization of milk by classes for such handler and the receipts of milk from producers, which result shall be known as the "net pooled milk" in Class II.

§ 912.6 *Minimum prices*—(a) *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 912.10, not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area, on the basis of milk of 3.5 percent butterfat content:

(1) For Class I milk—the price shall be the price determined and announced pursuant to (5) of this paragraph, plus 70 cents per hundredweight.

(2) For Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief—the price shall be the price determined and announced pursuant to (5) of this paragraph, plus 23 cents per hundredweight.

(3) For Class II milk—the price shall be the price determined and announced, pursuant to (5) of this paragraph, plus 25 cents per hundredweight.

(4) For Class III milk—the price shall be the result of the following computation by the market administrator: multiply by 2.4 the average weekly prevailing price per pound of the cheese known as "Twins" during said delivery period on the Wisconsin Cheese Exchange, Plymouth, Wisconsin (or in the absence of such prices, the prices of such "Twins" at Chicago, as reported by the United States Department of Agriculture), and multiply such result by 3.5.

(5) Computation of foundation price for Class I and Class II milk—the market administrator shall determine and announce the average of the basic or field prices per hundredweight, ascertained to have been paid for milk of 3.5 percent butterfat content received during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the plants listed in this subparagraph: *Provided*, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be announced: multiply by 0.4 the average weekly prevailing price per pound of the cheese known as "Twins" during said delivery period on the Wisconsin Cheese Exchange, at Plymouth, Wisconsin (or in the absence of such prices, the prevailing prices for such "Twins" at Chicago, as reported by the United States Department of Agriculture), add the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture, and multiply such result by 3.9.

CONCERN AND LOCATION OF PLANTS

Amboy Milk Products Co.	Amboy, Ill.
United Milk Products Co.	Argo Fey, Ill.
Dean Milk Co.	Belvidere, Ill.
Borden Co.	Dixon, Ill.
Libby, McNeil & Libby Co.	Morrison, Ill.
Carnation Milk Co.	Oregon, Ill.
Dean Milk Co.	Pearl City, Ill.
Dean Milk Co.	Pecatonica, Ill.
Borden Co.	Sterling, Ill.
Pet Milk Co.	Schullsburg, Wis.

§ 912.7 *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day after the end of each delivery period each handler, with respect to milk or milk products which were during such delivery period (1) received from producers, (2) received from handlers, (3) received from such handler's own production, (4) received from any other source, or (5) caused to be delivered to a plant from which no milk is disposed of in the marketing area, shall report to the market administrator, in the detail and form prescribed by him, as follows:

(i) The receipts at each plant from producers who are not handlers;

(ii) The receipts at each plant from any other handler, including any handler who is also a producer;

(iii) The receipts at each plant from such handler's own production;

(iv) The receipts at each plant from any other source;

(v) The respective quantities of milk and milk products disposed of or on hand; and

(vi) The respective butterfat content of each of the above.

(b) *Reports as to producers.* Each handler shall report to the market administrator as follows:

(1) Within 10 days after the market administrator's request, with respect to any producer and with respect to a period of time designated by the market administrator, (i) the name and address,

(ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received; and

(2) Within 5 days after first receiving milk from any producer, (i) the name and address of such producer, (ii) the date upon which such milk was first received, and (iii) the plant at which the milk of such producer was received.

(c) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator his producer pay roll for such delivery period which shall show for each producer (1) the net amount of such producer's payment with the prices, deductions, and charges involved, and (2) the total delivery of milk with the average butterfat test thereof.

(d) *Reports of producer-handlers and handlers whose sole sources of supply are receipts from other handlers.* Producer-handlers and handlers whose sole sources of supply are receipts from other handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(e) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk such handler claims classification. Each handler shall keep adequate records of receipts and utilization of milk and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section and, in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in § 912.10.

§ 912.8 *Application of provisions*—(a) *Producer-handlers.* (1) §§ 912.6, 912.9, 912.10, 912.11, and 912.12 shall not apply to the handling of milk by handlers (i) whose sole sources of supply are receipts from other handlers or (ii) who are producer-handlers pursuant to § 912.3 (a) (6), as verified by the market administrator in the manner provided in (2) of this paragraph.

(2) Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 912.3 (a) (6), as of the effective date of the provisions hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affects their qualification as producer-handlers; such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence and shall be effective retroactively to the effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(b) *Milk received by a handler from another handler who is also a producer or a producer-handler.* If any handler has purchased or received milk or cream from another handler who is also a producer or a producer-handler, such milk or cream shall be considered as Class III milk. If such receiving handler disposes of such milk or cream for other than Class III purposes, the market administrator in computing the net pool obligation of such handler pursuant to § 912.9 (a) shall add an amount equal to the difference between (1) the value of such milk or cream in accordance with its actual utilization by such handler and (2) the value at the Class III price.

(c) *Payment for milk received by a handler from sources determined as other than producers or other handlers.* If any handler has purchased or received milk or butterfat from sources determined as other than producers or other handlers, such milk or milk equivalent of such butterfat shall be considered as Class III milk. If such receiving handler disposes of such milk or butterfat for other than Class III purposes, the market administrator in computing the net pool obligation of such handler pursuant to § 912.9 (a) shall add an amount equal to the difference between (1) the value of such milk or milk equivalent of such butterfat in accordance with its actual utilization by such handler and (2) the value at the Class III price. This provision shall not apply to such milk or butterfat if such handler can prove to the market administrator that such milk or butterfat was used for purposes which did not violate any regulations issued by the health authorities in the marketing area.

(d) *Payment for excess milk or butterfat.* If a handler, after subtracting receipts from his own farm production, receipts from other handlers, and receipts from sources determined as other than producers or other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator in computing the net pool obligation of such handler pursuant to § 912.9 (a) shall add an amount equal to the value of such milk or milk equivalent of such butterfat in accordance with its actual utilization by the handler.

§ 912.9 *Determination of uniform prices to producers*—(a) *Net pool obligation of handlers.* Subject to the provisions of § 912.8, the net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: multiply the "net pooled milk" in each class, computed pursuant to § 912.5; by the class price pursuant to § 912.6, and add together the resulting values.

(b) *Computation and announcement of the uniform price.* For each delivery period the market administrator shall compute and announce the uniform price per hundredweight of milk as follows:

(1) Combine into one total the net pool obligations of all handlers, computed pursuant to (a) of this section, who made the reports pursuant to § 912.7 (a) for such delivery period and who made the payments to the market administrator pursuant to § 912.10 (d);

(2) Subtract the total amount to be paid pursuant to § 912.10 (a) (2) (ii) and (iii);

(3) Add the amount of cash balance in the producer-settlement fund less the amount due handlers pursuant to § 912.10 (f);

(4) Divide the result obtained in (3) of this paragraph by the total hundredweight of milk of graded producers, other than that represented by the amount subtracted in (2) of this paragraph;

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers, which result shall be known as the uniform price for such delivery period for milk of graded producers containing 3.5 percent butterfat; and

(6) On or before the 10th day after the end of such delivery period notify all handlers and make public announcement of these computations, of the uniform price per hundredweight of milk, of the Class I, Class II, and Class III prices, and of the butterfat differential computed pursuant to § 912.10 (b).

§ 912.10 *Payments for milk*—(a) *Time and method of payment.* Each handler shall make payment, subject to the butterfat differential set forth in (b) of this section, for milk purchased or received from producers by such handler during each delivery period, as follows:

(1) To producers, for milk which was caused to be delivered to such handler from such producers by and for the account of a cooperative association, on or before the 12th day after the end of the delivery period during which such milk was purchased or received, through such cooperative association of a total amount equal to but not less than the sum of the individual payments otherwise payable to such producers.

(2) To producers for milk which was not caused to be delivered to such handler from such producers by and for the account of a cooperative association, on or before the 15th day after the end of the delivery period during which such milk was purchased or received, (i) to graded producers, except as set forth in (ii) of this subparagraph, at not less than the uniform price per hundredweight computed pursuant to § 912.9 (b); (ii) to graded producers from whom milk was not regularly purchased or received by a handler or who did not distribute milk in the marketing area during a period of 30 days prior to the effective date hereof, for all the milk received from such producers during a period beginning with the date of the first regular receipt of milk from such producers and continuing through the

first 2 full calendar months following the date of such first receipt of milk, at the price per hundredweight computed for Class III milk pursuant to § 912.6 (a) (4); and (iii) to producers other than graded producers at the price per hundredweight computed for Class III milk pursuant to § 912.6 (a) (4).

(b) *Butterfat differential.* If the milk of any producer, received by a handler or caused by a cooperative association to be delivered to a plant from which no milk is disposed of in the marketing area during the delivery period, has an average butterfat content other than 3.5 percent, such handler shall add to the prices for such producer, for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent, not less than, or shall deduct from the prices for such producer, for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent, not more than, an amount which is one thirty-fifth of the price per hundredweight for Class III milk.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as "the producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to (d) and (f) of this section and out of which he shall make all payments to handlers pursuant to (e) and (f) of this section.

(d) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator, for payment to graded producers through the producer-settlement fund, the amount by which the net pool obligation of such handler including the payments required to be made pursuant to § 912.8 is greater than the sum required to be paid producers by such handler pursuant to (a) (1) and (2) of this section.

(e) *Payments out of producer-settlement fund.* (1) On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler for payment to graded producers the amount by which the sum required to be paid producers by such handler pursuant to (a) (1) and (2) of this section is greater than the net pool obligation of such handler including the payments required to be made pursuant to § 912.8.

(2) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of (a) of this section if he reduces his payments to graded producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(f) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to (d) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to (e) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 912.11 *Expense of administration*—(a) *Payment by handlers.* As his prorata share of the expense of the administration hereof, each handler who received milk from producers, with respect to all milk received, including such handler's own production, and each cooperative association with respect to all milk which it caused to be delivered to a plant from which no milk is disposed of in the marketing area during the delivery period, shall pay to the market administrator, on or before the 15th day after the end of such delivery period, an amount not to exceed 4 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the Secretary.

(b) *Suits by the market administrator.* The market administrator, with the approval of the Secretary, may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expenses set forth in this section.

§ 912.12 *Marketing services.* In making payments to graded producers pursuant to § 912.10 (a) (2) each handler shall, with respect to all milk received at such handler's plant during such delivery period from each such graded producer, deduct 5 cents per hundredweight, or such lesser amounts as the market administrator shall determine to be sufficient and shall, on or before the 15th day after the end of such delivery period, pay such deductions to the market administrator. Such money shall be expended by the market administrator only in providing for market information to such producers and for verification of weights, samples, and tests of milk received by such handler. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

§ 912.13 *Effective time, suspension, or termination of order, as amended*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate shall (i) continue in such capacity until removed by the Secretary; (ii) from time to time account for all receipts and disbursements, and when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct; and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 912.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C. this 19th day of January 1943, to be effective on and after the 1st day of February 1943. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved: January 19, 1943.

JAMES F. BYRNES,
Director of Economic Stabilization.

[F. R. Doc. 43-1124; Filed, January 22, 1943; 11:59 a. m.]

Chapter XI—Food Distribution Administration

[Food Distribution Order 10]

PART 1432—RICE

SALE AND DISTRIBUTION

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of food to meet war and civilian needs, *It is hereby ordered as follows:*

§ 1432.1 *Sale and distribution of rice*—(a) *Definitions.* For the purposes of this order:

(1) "Miller" means any person who has facilities for processing rough rice.

(2) "Barrel" means 162 pounds of rough rice.

(3) "Person" means any individual, partnership, corporation, association, or other business entity, or State, Territorial, Municipal, County or other local government, or instrumentality or subdivision thereof, or any agency of the United States other than a governmental agency.

(4) "Rough rice" means the commodity defined by the "United States Standards for Rough Rice", as amended May 15, 1942.

(5) "Brown rice" means the commodity defined by the "United States Standards for Brown Rice", as amended May 15, 1942.

(6) "Milled rice" means the commodity defined by the "United States Standards for Milled Rice", as amended May 15, 1942, but shall not include "Brewers Milled Rice" or "Screenings Milled Rice."

(7) "Undermilled rice" means rice from which all of the hull and part of the bran and germ have been removed.

(8) "First owner" means any person, including millers but not including millers who do not have facilities for processing more than 50 barrels of rough rice per day, who first owns any brown, milled, or undermilled rice processed after the effective date of this Order by a miller who has facilities for processing more than 50 barrels of rice per day.

(9) "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by the Director.

(10) "Governmental agency" means and includes the Food Distribution Administration, Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or any other governmental agency designated by the Director.

(b) *Restrictions.* (1) No person shall sell, or otherwise dispose of, except to a governmental agency, or use more than forty percent of the brown, milled, or undermilled rice as to which he is or becomes the first owner; and every person shall set aside for sale to a governmental agency milled rice of the grade No. 5 or better of one of the classes I to X inclusive, in an amount equal to sixty percent of the brown, milled, or undermilled rice as to which he is or becomes the first owner. All rice so set aside may be offered for sale by the first owner at no more than ceiling prices established by the Office of Price Administration to a governmental agency in response to announcements or notices issued by such agency that offers for the sale of such rice will be received on specified dates.

(2) The restriction in paragraph b (1) shall be observed without regard to existing contracts or any payments made or any action taken thereunder.

(c) *Records and reports.* Every person subject to this order shall maintain accurate and complete records concerning inventories, production and sales for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports and upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(d) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of rice and premises used in his business, and all of his books, records and accounts shall upon request be submitted to audit and inspection by the Director.

(e) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order or wilfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(f) *Petition for relief from hardship.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(g) *Delegation of authority.* The Director is hereby designated and authorized to administer the provisions hereof and to issue all orders necessary to the effectuation of the purposes and provisions of this order.

(h) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: Director of Food Distribution; United States Department of Agriculture; Washington, D. C. Ref. FD–10.

(i) *Effective date.* This order shall be effective on January 22, 1943.

(E.O. 9280, 7 F.R. 10179)

Issued this 21st day of January 1943.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43–1122; Filed, January 22, 1943; 11:43 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—RULES GOVERNING EMERGENCY RADIO SERVICES

EMERGENCY COMMUNICATION WITH OTHER STATIONS

The Commission on January 19, 1943, effective immediately, adopted the following new section:

§ 10.113 *Emergency communication with other stations.* Within the scope of service permitted, stations in the emergency radio service may be used to communicate with stations in the war emergency radio service, with United States Government stations, or with other stations which are specifically authorized to communicate with stations in the emergency radio service, in those cases which require cooperation or coordination of activities.

The Commission also deleted existing § 10.122, *Emergency communication with other stations.*[1]

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43–1118; Filed, January 22, 1943; 10:48 a. m.]

[Order 91–C]

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

REQUIREMENTS FOR OPERATORS OF BROADCAST STATIONS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of January 1943,

The Commission, having under consideration its Orders No. 91, 91–A, and 91–B[2] and the request of the Board of War Communications that the Commission consider further relaxation of its rules and regulations governing the requirements for operators of broadcast stations; and,

It appearing that the demand of the military services for radiotelegraph and radiotelephone operators has increased as a result of the war and that such demand has decreased the number of operators qualified for operation of broadcast stations resulting in a shortage of such operators;

It is ordered, That until further order of the Commission, notwithstanding the provisions of § 13.61 of the Commission's Rules and Regulations Governing Commercial Radio Operators, a broadcast station of any class, which by reason of actual inability to secure the services of an operator or operators of a higher class could not otherwise be operated, may be operated by holders of any class commercial operator license;

Provided, however, That all classes of commercial operator licenses shall be valid for the operation of broadcast sta-

[1] 7 F.R. 1040.
[2] 7 F.R. 1109, 3045, 4118.

tions upon the condition that one or more first-class radiotelephone operators are employed who shall be responsible at all times for the technical operation of the station and shall make all adjustments of the transmitter equipment other than minor adjustments which normally are needed in the daily operation of a station;

Provided, further, That a broadcast station may be operated by a holder of a restricted radiotelephone operator permit only in the event such permit has been endorsed by the Commission to show the operator's proficiency in radiotelephone theory as ascertained through examination.

Provided, further, That a broadcast station having a licensed power of 1000 watts or less may be operated by a holder of a restricted radiotelephone operator permit which has been endorsed by the Commission to show the operator's proficiency in the operation of the particular station concerned, as ascertained by certification of the first class radiotelephone operator in charge of the station, on condition that in a technical emergency such operator shall not attempt to make any adjustment, but shall immediately shut down the station.

Provided, further, That nothing contained herein shall be construed to relieve a station licensee of responsibility for the operation of the station in exact accordance with the Rules and Regulations of the Commission; and,

Provided, further, That § 13.61 of the Commission's Rules and Regulations Governing Commercial Radio Operators shall remain in full force and effect except as modified by this order.

This order supersedes Orders 91, 91–A and 91–B.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43–1120; Filed, January 22, 1943; 10:48 a. m.]

PART 15—RULES AND REGULATIONS GOVERNING ALL RADIO STATIONS IN THE WAR EMERGENCY RADIO SERVICE

CIVIL AIR PATROL STATION

The Commission on January 19, 1943, effective immediately, adopted the following sections:

§ 15.4 *Civil air patrol stations.* The term "Civil Air Patrol Station" means a station used exclusively for essential communications relating directly to the activities of the Civil Air Patrol.[1] A Civil Air Patrol Station used on a mission for and under the direction and control of the military shall not be deemed subject to these rules.

§ 15.55 *General limitations.* Stations in the war emergency radio service shall not be operated on board any vessel unless such operation has been approved by appropriate naval authority.

Licensees

§ 15.91 *Eligibility for station license.* Authorizations for civil air patrol stations will be issued only to the duly appointed Wing Commanders of the Civil Air Patrol.[1]

§ 15.92 *Supplementary statements.* The applicant shall submit with the application for station license complete and detailed information on the proposed plan of operation, including:

(a) General operating procedure.

(b) Scope of service to be rendered.

(c) Type of messages to be transmitted.

(d) Methods to be used in monitoring, supervising, and controlling the operation of all stations for which the license is requested, including method of compliance with Restricted Order No. 2.

(e) Method used to measure the operating frequencies of the transmitters.

(f) Provisions for frequent inspection of the equipment.

(g) Source and distribution of the equipment.

Service

§ 15.93 *Scope of service.* (a) Civil air patrol stations may be used only during emergencies endangering life, public safety, or important property, or for essential communication directly relating to civil air patrol activities, when other communication facilities do not exist or are inadequate.

(b) Civil air patrol stations may be used to communicate with stations in the war emergency radio service and with stations in the emergency radio service (police, forestry, special emergency, and marine fire stations), or with United States Government stations, in those cases which require cooperation or coordination of activities. Transmissions not directed to authorized stations are prohibited.

Supervision and Control

§ 15.94 *Operational supervision.* The operation of civil air patrol stations shall be directed at all times by an officer in charge of communications, formally designated as "communications officer": *Provided, however,* That the delegation of such supervision shall in no way relieve the station licensee of the responsibility for the proper operation of the stations in accordance with the terms of the station license, and all pertinent rules and regulations.

Communications Officer

§ 15.95 *Definition.* The term "communications officer" means the official formally designated by the station licensee to direct and supervise the operation of all radio stations authorized by the related station license.

§ 15.96 *Duties.* The duties of the communications officer shall include, among others:

(a) Direction and supervision of all radio stations authorized by the station license, to assure strict compliance with the terms of such license.

(b) Provision for adequate monitoring of all transmissions of the stations under his supervision to assure compliance with the rules and regulations of the Commission, and to guard against the improper use of the radio stations and intentional or inadvertent transmissions which might be detrimental to the national defense and security.

(c) Inspection of the equipment at frequent intervals to insure satisfactory technical operation.

(d) Certification of the names of proposed radio operators after a thorough investigation has been made relative to their competence.

(e) Whenever civilian defense stations are requested to communicate with civil air patrol stations in accordance with the provisions of § 15.63, the communications officer, on behalf of the Wing Commander, shall promptly notify in writing the Commission in Washington, D. C., and the Inspector-in-Charge of the district in which the involved civilian defense stations are located. Such written notice shall include the following information:

(1) Name of civilian defense station licensee(s).

(2) Date(s) of such communication.

(3) Location(s) of involved civilian defense and civil air patrol stations.

(4) Brief description of the situation necessitating such intercommunication.

Tests

§ 15.97 *Tests.* The licensees of civil air patrol stations are permitted to make such routine tests as are required for the proper maintenance of the stations and the communication system: *Provided,* That adequate precautions are taken to avoid interference with other stations: *And provided further,* That such testing shall not exceed the minimum transmission necessary to insure the availability of reliable communication.

The Commission also amended existing sections as follows:

§ 15.27 *Changes in equipment.*[2] The licensee of a station in the war emergency radio service may make any alterations in components of the licensed equipment that are deemed necessary or desirable unless specifically prohibited from doing so by the terms of the license: *Provided,* That:

(a) All changes be made with the full knowledge and consent of the radio aide or the communications officer.

(b) Emissions are not radiated outside the authorized frequency band.

(c) The operating frequency does not deviate more than that specified in § 15.25.

(d) Plate power input does not exceed that authorized in § 15.23.

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[1] The Civil Air Patrol is an organization established by the Director of the U. S. Office of Civilian Defense pursuant to Executive Order No. 8757, as amended. Further information pertaining to the organization of the Civil Air Patrol can be obtained from the National Commander, Civil Air Patrol, Washington, D. C. To facilitate consideration of applications for such authorizations, they should be forwarded first to the National Commander who in turn will submit them to the Commission.

[2] 7 F.R. 4457.

§ 15.42 *Transmission of call letters.*[2] Stations in the war emergency radio service shall identify themselves by the call letters and unit number assigned to the transmitter at the beginning and end of each complete exchange of communications. When communications are carried on with any other station licensee, stations in the war emergency radio service shall identify themselves as herein required, and in addition, shall announce the call letters, unit numbers, and the class of the station with which they are communicating.

Licenses

§ 15.51 *Control of equipment.*[3] All equipment for which a license is granted must be owned by or in the possession of the station licensee at all times. No license will be granted permitting the operation of a specific transmitter by more than one station licensee in the war emergency radio service.

§ 15.62 *Supplementary statements.*[3] The applicant shall submit with the application complete and detailed information on the following:

(a) The proposed plan of operation including:

(1) General operating procedure.

(2) The scope of service to be rendered.

(3) Type of messages to be transmitted.

(4) Methods to be used in monitoring, supervising, and controlling the operation of all stations for which license is requested.

(5) Methods used to measure the operating frequencies of the transmitters.

(6) Provisions for frequent inspection of the equipment.

(7) Source and distribution of the equipment.

(b) The area in which the stations are to be operated:

(1) If service is to be rendered to adjacent municipalities, the applicant must submit sworn copies of agreements made between the applicant and the adjacent municipalities. Such agreements shall show that the applicant is required to furnish service and the adjacent municipalities agree to accept such service and not to request individual authority, and that such agreements shall provide notification to the Commission sixty (60) days prior to termination thereof.

(c) Methods used to ascertain the loyalty and integrity of radio station operating personnel.

(d) Plans for enlisting radio operating personnel, and whether they will serve on a paid or voluntary basis.

§ 15.63 *Service which may be rendered.*[3] Civilian defense stations may be used for essential communication relating to civilian defense and only during or immediately following actual air raids, impending air raids, or other enemy military operations or acts of sabotage. In addition, civilian defense station licensees, when requested in specific instances by any Civil Air Patrol Wing Commander, may use their licensed civilian defense stations for essential communication with civil air patrol stations for which the particular Wing Commander is licensee, during emergencies endangering life, public safety, or important property. Civilian defense stations shall not be operated on board any aircraft unless specific authority for such operation has been granted by the Commission upon proper application and showing of need therefor.

§ 15.64 *Communication with other stations.*[3] Within the scope of service permitted under § 15.63 and during tests and drills, civilian defense stations may be used to communicate with stations in the war emergency radio service and with stations in the emergency radio service (police, forestry, special emergency and marine fire stations), and with United States Government stations in those cases which require cooperation or coordination of activities. Transmissions not directed to authorized stations are prohibited.

§ 15.82 *Supplementary statements.*[4] The applicant shall submit with the application complete and detailed information on the proposed plan of operation including:

(a) General operating procedure.

(b) Scope of service to be rendered.

(c) Type of messages to be transmitted.

(d) Methods to be used in monitoring, supervising, and controlling the operation of all stations for which the license is requested.

(e) Method used to measure the operating frequencies of the transmitter.

(f) Provisions for frequent inspection of the equipment.

(g) Source and distribution of the equipment.

§ 15.83 *Scope of service.*[4] (a) State guard stations may be used only (1) during emergencies endangering life, public safety, or important property, or (2) for essential communications directly relating to state guard activities when other communication facilities do not exist or are inadequate.

(b) State guard stations may be used to communicate with stations in the war emergency radio service and in the emergency radio service (police, forestry, special emergency, and marine fire stations), and United States Government stations, in those cases which require cooperation or coordination of activities. Transmissions not directed to authorized stations are prohibited. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 303, 48 Stat. 1082; 47 U.S.C. 303)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-1119; Filed, January 22, 1943; 10:48 a. m.]

[2] 7 F.R. 4458.

[3] 7 F.R. 4459.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D-24]

WILLIAM C. ATWATER & CO., INC.

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of William C. Atwater & Co., Inc., a New York corporation for permission to receive sales agents' commissions on coal sold to William C. Atwater & Co., Incorporated, a Massachusetts corporation.

William C. Atwater & Co., Inc., a corporation organized under the laws of New York, with its principal offices in New York City, New York, acting as sales agent for certain code member producers, filed its petition on November 28, 1942, praying;

1. That the Division determine that the ownership, legal and beneficial, by certain stockholders in the petitioner and in William C. Atwater & Co., Incorporated, a Massachusetts corporation, has been, in each case, of long standing and was, and is at the present time, bona fide; that such ownership was not established, and is not now maintained, to secure any indirect price reduction, and such ownership as aforesaid is not within the prohibition of paragraphs 11 and 12 of section 4 Part II (i) of the Bituminous Coal Act of 1937, or any other paragraph or regulation thereunder, and

2. That petitioner be granted permission to accept and retain sales agents' commissions on all coal sold by it to William C. Atwater & Co., Incorporated, a Massachusetts corporation.

It is, therefore, ordered, That a hearing on such matter be held on March 3, 1943, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 27, 1943,

setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: January 20, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-1107; Filed, January 22, 1943; 10:37 a. m.]

[Docket No. B-42]

H. N. HARTWELL AND SON, INC.

ORDER GRANTING APPLICATION, ETC.

In the matter of H. N. Hartwell and Son, Inc., a registered distributor, Registration No. 4055, Respondent.

Order granting application filed pursuant to § 301.132 of the rules of practice and procedure before the Division cancelling hearing and terminating matter without prejudice.

The above-entitled proceeding having been instituted by the Bituminous Coal Division (the "Division") on its own motion, pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, by a Notice of and Order for Hearing dated October 22, 1941, as amended, and duly served on the said H. N. Hartwell and Sons, Inc., a registered distributor, Registration No. 4055 (hereinafter referred to as Hartwell), to determine whether said Hartwell has violated the Bituminous Coal Act of 1937 (the "Act"), the Bituminous Coal Code (the "Code"), and orders, rules and regulations promulgated thereunder, and its Distributor's Agreement (the "Agreement") dated November 13, 1939, as more fully set forth in said Notice of and Order for Hearing; and

The said proceeding having been scheduled for hearing on December 8, 1941, pursuant to said Notice of and Order for Hearing, and having been postponed by an order of the Acting Director issued December 4, 1941, to a time and place to be thereafter designated; and

An application based upon admissions for the disposition of the above-entitled matter without formal hearing (the "application"), pursuant to § 301.132 of the Rules of Practice and Procedure before the Division, having been duly filed on December 29, 1941, by said Hartwell with the Division; and

Notice of the filing of said application, dated February 17, 1942, having been published in the FEDERAL REGISTER on February 18, 1942, pursuant to said § 301.132; and

Said notice of filing having provided that interested parties desiring to do so might, within 15 days from the date of said notice, file recommendations or requests for informal conferences with respect to said application, and it appearing that no such recommendations or requests have been filed with the Division within said 15 day period; and

It appearing from said application that the said Hartwell admits the sale on behalf of the Forks Coal Mining Company, a code member, during the period from October 1, 1940 to March 28, 1941, inclusive, of 1,792.21 net tons of coal produced at the said code member's Hughes No. 11, Mine, Mine Index No. 219, located in District No. 1, as set forth in the said Notice of and Order for Hearing, as amended, and, in addition, the sale of 1,475.09 net tons of coal produced at the aforesaid mine, or a total of 3,267.30 net tons of such coal; and

It further appearing from said application that said Hartwell agrees to the incorporation of said additional tonnage in the Notice of and Order for Hearing, as amended, in the above-entitled proceeding; and

It further appearing from said application that said Hartwell admits accepting and retaining a compensation of 25 cents per net ton on the sales of the aforesaid coal, and represents that it believed that it was acting in the capacity of a sales agent for the aforesaid code member as a result of correspondence with the said code member; and

It further appearing from said application that said Hartwell agrees to refund to the said Forks Coal Mining Company $424.75, which is the difference between the total discounts accepted and retained by said Hartwell on sales of the aforesaid coal and the maximum allowable discounts, prescribed by Order of the Director dated June 19, 1940, entered in General Docket No. 12, to which said Hartwell would have been entitled to receive had it acted as a registered distributor in said transactions and consents to an entry of an order suspending its registration as a registered distributor for a period of one day; and

Said Hartwell having on December 31, 1942, filed with the Division a supplementary statement, supported by documentary proof, representing that the said amount of $424.75 has now been refunded by it to said Forks Coal Mining Company, and having requested upon the basis thereof and the extenuating circumstances set forth in its said application that this proceeding be terminated;

Now, therefore, pursuant to authority vested in the Division by section 4 II (h) of the Act and upon said application of said Hartwell filed with the Division pursuant to § 301.132 of the rules of practice and procedure, for disposition without formal hearing of the charges as set forth in the Notice of and Order for Hearing, as amended, and said supplementary statement, and upon evidence in the possession of the Division; it is hereby found that:

(a) The said Hartwell is a corporation organized and existing by virtue of the laws of the Commonwealth of Massachusetts, with its principal place of business located at Boston, Massachusetts, and is engaged in the business of purchasing and reselling bituminous coal.

(b) Said Hartwell filed with the Division its application for registration as a registered distributor, dated November 13, 1939, and a certificate of registration No. 4055, dated March 29, 1940, was issued pursuant to said application, and since then the company has been engaged in the business of purchasing and selling bituminous coal as a registered distributor.

(c) The said Hartwell, during the period October 1, 1940 to March 28, 1941, inclusive, violated section 4 II (h) of the Act and Paragraph (a) of the Agreement and the Rules and Regulations for the Registration of Distributors established by the Order of the Director dated June 19, 1940, entered in General Docket No. 12, by receiving, accepting and retaining a compensation of 25 cents per net ton on the sale of approximately 3,267.30 net tons of coal, on behalf of said Forks Coal Mining Company, which compensation was 13 cents per net ton in excess of the maximum allowable discounts prescribed by said Order dated June 19, 1940, which said Hartwell would have been entitled to receive had it acted as a registered distributor in said transactions, so that the total amount in excess of the maximum discounts allowable on the sale of said coal was $424.75.

(d) Said Hartwell has refunded to the said Forks Coal Mining Company the total amount of $424.75, which is the total amount in excess of the maximum discounts allowable on the sale of said coal described in paragraph (c) above.

Now, therefore, upon the basis of the foregoing findings,

It is ordered, That the said application for disposition of this proceeding without formal hearing be and the same hereby is granted; and

It is further ordered, That the hearing scheduled in this matter be and the same hereby is cancelled; and

It is further ordered, That the above-entitled matter be and the same hereby is terminated without prejudice.

Dated: January 20, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-1103; Filed, January 22. 1943; 10:37 a. m.]

[Docket No. B-159]

FRANK B. MORRISON

ORDER REVOKING CODE MEMBERSHIP

A complaint was duly filed November 28, 1941, by District Board 8 pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, against Frank B. Morrison, a code member producer, operating Morrison Mine, designated as Mine Index No. 1066, located in Carter County, Kentucky, in District 8, wherein it was alleged that code member had wilfully violated the provisions of the Bituminous Coal Code and the rules and regulations thereunder, particularly Rule 6 of section XIII of the Marketing Rules and Regulations. The complaint prayed that the Division revoke and cancel code membership or, in its discretion, direct code member to cease and desist from

further violations of the Code and regulations thereunder.

The complaint alleged that code member sold to E. M. Hammonds, between January 6, 1941, and February 7, 1941, both dates inclusive, approximately 86.075 tons of high volatile run of mine coal (Size Group 6) at $2 per net ton f. o. b. mine and thereafter allowed a cash rebate of 30 cents per net ton for each ton of coal sold.

Pursuant to an order of the Acting Director dated January 15, 1942, and after due notice to all interested persons, a hearing in this matter was held on February 24, 1942, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Catlettsburg, Kentucky, at which time all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.

District Board 8 and code member appeared, and at the conclusion of the hearing all interested parties waived the preparation and filing of a report by the Examiner. The record of the proceeding was thereupon submitted to me for my consideration and I have made Findings of Fact and Conclusions of Law, and rendered an Opinion which are filed herewith.

Now therefore it is ordered, That the code membership of Frank B. Morrison, code member producer operating Morrison Mine, Mine Index No. 1066, located in Carter County, Kentucky, in District 8, be, and the same hereby is, revoked and cancelled.

It is further ordered, That prior to reinstatement of code membership, the said Frank B. Morrison shall pay to the United States a tax, as provided in section 5 (c) of the Act, in the amount of $67.14.

Dated January 21, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1109; Filed, January 22, 1943; 10:37 a. m.]

[Docket No. B-182]

WILLIAM HANEY

ORDER REVOKING CODE MEMBERSHIP

District Board 8 filed a complaint on December 24, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 against William Haney, a code member producer operating Rigsby Mine, Mine Index No. 2517, located in Carter County, Kentucky, in District 8, alleging that code member wilfully violated the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, and Rule 6 of section XIII of the Marketing Rules and Regulations by selling to E. M. Hammonds, between January 8, 1941 and August 22, 1941, both dates inclusive, approximately 555,495 tons of high volatile run-of-mine coal (Size Group 6) at $2 per net tons f. o. b. mine and thereafter allowing a cash rebate of 30 cents per net ton for each ton of coal so sold. The complaint prayed that the Division revoke and cancel code membership of William Haney or, in its discretion, direct code member to cease and desist from further violations of the Code and regulations thereunder.

Pursuant to an order of the Acting Director dated January 16, 1942, and after due notice to interested persons, this matter came on for hearing on February 24, 1942, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Catlettsburg, Kentucky, at which time all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing.

District Board 8 and William Haney appeared, and at the conclusion thereof all interested parties waived the preparation and filing of a report by the Examiner. The record of the proceeding was thereupon submitted to me for my consideration and I have made Findings of Fact and Conclusions of Law, and rendered an Opinion which are filed herewith.

Now, therefore, it is ordered, That the code membership of William Haney, a code member producer operating Rigsby Mine, Mine Index No. 2517, located in Carter County, Kentucky, in District 8, be, and the same hereby is, revoked and cancelled.

It is further ordered, That prior to reinstatement of his code membership, said William Haney shall pay to the United States, as provided in section 5 (c) of the Act, a tax in the amount of $433.29.

Dated: January 21, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1110; Filed, January 22, 1943; 10:37 a. m.]

[Docket No. B-183]

GEORGE HANEY

ORDER REVOKING CODE MEMBERSHIP

A complaint was duly filed December 24, 1941, by District Board 8, pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 against George Haney, code member producer, operating mine (Mine Index No. 1050), in Carter County, Kentucky, in District 8, in which it was alleged that code member had wilfully violated the Bituminous Coal Code and Rule 6 of section XII of the Marketing Rules and Regulations. The complaint prayed that the Division revoke and cancel the code membership of George Haney, or in its discretion, direct him to cease and desist from further violations of the Code and regulations thereunder.

The complaint further alleged that code member violated the Code by selling to E. M. Hammonds between March 22, 1941 and July 11, 1941, both dates inclusive, approximately 526,570 tons of high volatile run of mine coal (Size Group 6) at $2.00 per net ton f. o. b. the mine, and thereafter allowing a cash rebate of 30 cents per net ton for each ton of coal sold to the purchaser.

Pursuant to an order of the Acting Director, dated January 16, 1942, after due notice to interested persons, a hearing in this matter was held on February 24, 1942, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof, in Catlettsburg, Kentucky. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing. District Board 8 and George Haney appeared at the hearing and all interested parties waived the preparation and filing of a Report by the Examiner. The record of the proceeding was thereupon submitted to me for my consideration, and I have made Findings of Fact and Conclusions of Law and rendered an Opinion which are filed herewith.

Now, therefore, it is ordered, That the code membership of George Haney, a code member producer, in District 8, operating Haney Mine, designated as Mine Index No. 1050, be and the same hereby is revoked and cancelled.

It is further ordered, That prior to the reinstatement of his code membership, the said George Haney shall pay to the United States, as provided in section 5 (c) of the Act, a tax in the amount of $410.72.

Dated: January 21, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1111; Filed, January 22, 1943; 10:38 a. m.]

Bureau of Reclamation.

LA PLATA PROJECT, COLORADO-NEW MEXICO

FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 2, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388), and that departmental order of June 12, 1941 establishing New Mexico Grazing District No. 1 be modified and made subject to the reclamation withdrawal effected by this order.

LA PLATA PROJECT, STATE LINE RESERVOIR SITE

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 32 North, Range 13 West:
Section 9—Lot 5, SE¼SE¼;
Section 10—Lot 5, SE¼SE¼;
Section 11—Lot 8;
Section 14—W½W½;
Section 15—E½E½, W½SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: December 5, 1942.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur: December 15, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

JANUARY 4, 1943.

[F. R. Doc. 43-1105; Filed, January 22, 1943; 10:04 a. m.]

VALE PROJECT, OREGON

FIRST FORM WITHDRAWAL AND RESERVATION FOR POWDER HOUSE SITE

DECEMBER 2, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269) as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388), and be designated as a Government Reserve and set aside as a site for the storage of explosives to be used in connection with the construction of the Vale Project. It is further recommended that departmental order of April 8, 1935, establishing Oregon Grazing District No. 3 be modified and made subject to the reclamation withdrawal effected by this order.

VALE PROJECT, OREGON.

WILLAMETTE MERIDIAN

Township 18 South, Range 45 East: Section 18, E½SE¼SW¼SW¼

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: December 9, 1942.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur: December 15, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

JANUARY 4, 1943.

[F. R. Doc. 43-1104; Filed, January 22, 1943; 10:04 a. m.]

VALE PROJECT, OREGON

RESERVATION FOR DITCH RIDERS' QUARTERS

DECEMBER 2, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands, now withdrawn under the first form of withdrawal, as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388), by departmental orders of December 14, 1926 and March 18, 1929, be designated as Government Reserves and set aside for use as ditch riders' quarters.

VALE PROJECT, OREGON

WILLAMETTE MERIDIAN

Headquarters No. 5:
Township 20 South, Range 41 East: Section 32, S½SE¼NW¼;
Headquarters No. 105:
Township 19 South, Range 42 East: Section 26, W½SW¼SE¼NW¼, E½SE¼SW¼NW¼, E½NE¼NW¼SW¼, W½NW¼NE¼SW¼.
Headquarters No. 153:
Township 19 South, Range 43 East: Section 6, SE¼NE¼.
Headquarters No. 278:
Township 17 South, Range 44 East: Section 28, NW¼NE¼NW¼.
Headquarters No. 291:
Township 17 South, Range 44 East: Section 20, NW¼SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: December 15, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

JANUARY 4, 1943.

[F. R. Doc. 43-1103; Filed, January 22, 1943; 10:03 a. m.]

DOLORES PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 8, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal, as provided in section 3, Act of June 17, 1902 (32 Stat. 388), and that departmental order of April 8, 1935, establishing Colorado Grazing District No. 4, be modified and made subject to the reclamation withdrawal effected by this order.

DOLORES PROJECT, MCPHEE RESERVOIR SITE

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Township 37 North, Range 15 West
Section 5, NW¼SW¼;
Section 6, Lots 4, 5, SE¼NW¼;
Section 7, NW¼SE¼.
Township 38 North, Range 15 West
Section 7, Lots 3, 4;
Section 18, Lot 1, S½SW¼SE¼;
Section 19, W½NE¼, SE¼;
Section 30, NW¼NE¼, NE¼NW¼;
Section 31, Lot 4;
Section 32, SW¼NW¼, NW¼SW¼.
Township 38 North, Range 16 West
Section 1, S½N½, N½SE¼;
Section 2, S½NE¼, SE¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Section 11, N½N½;
Section 12, N½N½, SE¼NE¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: December 14, 1942.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur: December 15, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

JANUARY 4, 1943.

[F. R. Doc. 43-1102; Filed, January 22, 1943; 10:03 a. m.]

DOLORES PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 8, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1936 (49 Stat. 1976), it is recommended that the following described land be withdrawn from public entry under the first form of withdrawal as provided in section 3, Act of June 17, 1902 (32 Stat. 388).

DOLORES PROJECT, MCPHEE RESERVOIR SITE

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Township 38 North, Range 15 West:
Section 18—N½SW¼SE¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: December 15, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and

the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

DECEMBER 30, 1942.

[F. R. Doc. 43-1100; Filed, January 22, 1943; 10:03 a. m.]

DOLORES PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 8, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

DOLORES PROJECT, MCPHEE RESERVOIR SITE

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Township 38 North, Range 15 West:
Section 3, W½W½, SE¼SW¼;
Section 4, E½NE¼, S½SW¼, SE¼;
Section 5, S½S½;
Section 6, Lots 1, 2, 3, 5, 6, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Section 7, N½NE¼, NE¼NW¼, W½SE¼;
Section 8, N½N½;
Section 9, N½N½;
Section 10, NE¼, N½NW¼;
Section 17, NW¼SW¼;
Section 18, E½NE¼, SE¼NW¼, NW¼SE¼;
Section 20, SE¼SE¼;
Section 21, SW¼SW¼;
Section 28, NW¼NW¼;
Section 29, NE¼, E½NW¼.
Township 39 North, Range 15 West:
Section 34, SW¼NW¼, W½SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: December 16, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

DECEMBER 30, 1942.

[F. R. Doc. 43-1101; Filed, January 22, 1943; 10:03 a. m.]

General Land Office.

[Public Land Order 76]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE IN CONNECTION WITH PROSECUTION OF THE WAR

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9146 of April 24, 1942, *It is ordered as follows:*

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 6 W.,
Sec. 10, SE¼SW¼, SW¼SE¼;
Sec. 14, All;
Sec. 15, E½, E½W½;
Sec. 24, N½N½.
The areas described aggregate 1360 acres.

ABE FORTAS,
Acting Secretary of the Interior.

JANUARY 4, 1943.

[F. R. Doc. 43-1106; Filed, January 22, 1943; 10:04 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DETERMINATION OF EQUITABLE DISTRIBUTION OF FUNDS

DECEMBER 30, 1942.

Determination of the Equitable Distribution of Funds authorized for the fiscal year ending June 30, 1943, pursuant to Title I of the Bankhead-Jones Farm Tenant Act.

Pursuant to the provisions of section 4 of Title I of the Bankhead-Jones Farm Tenant Act, there is given in paragraph III hereof a schedule representing the equitable distribution of the money authorized for the purposes of Title I, for the fiscal year ending June 30, 1943, among the several states, the territories of Alaska and Hawaii, and Puerto Rico, on the basis of farm population and prevalence of tenancy.

No allotment shall be made to any state or territory in excess of the amounts so distributed.

Equitable Distribution of Loan Funds Authorized for the Fiscal Year Ending June 30, 1943, for Title I of the Bankhead-Jones Farm Tenant Act:

Region I	$1,019,643
Connecticut	19,782
Delaware	39,395
District of Columbia	110
Maine	29,972
Maryland	168,730
Massachusetts	27,507
New Hampshire	11,809
New Jersey	58,790
New York	245,135
Pennsylvania	385,881
Rhode Island	4,669
Vermont	27,863
Region II	$1,700,751
Michigan	388,439
Minnesota	778,219
Wisconsin	534,093
Region III	$4,689,611
Illinois	1,110,031
Indiana	607,747
Iowa	1,165,192
Missouri	1,054,036
Ohio	752,605
Region IV	$5,407,128
Kentucky	1,099,833
North Carolina	1,937,524
Tennessee	$1,351,696
Virginia	699,155
West Virginia	318,720
Region V	$5,795,834
Alabama	2,077,367
Florida	202,158
Georgia	2,163,015
South Carolina	1,353,204
Region VI	$5,341,747
Arkansas	1,560,479
Louisiana	1,335,649
Mississippi	2,445,619
Region VII	$3,227,815
Kansas	717,390
Nebraska	692,473
North Dakota	389,405
South Dakota	428,547
Region VIII	$3,742,392
Oklahoma	1,313,810
Texas	2,428,583
Region IX	$693,128
Arizona	34,897
California	337,760
Nevada	6,028
Hawaii	277,866
Utah	36,587
Region X	$423,969
Colorado	247,558
Montana	128,950
Wyoming	46,461
Region XI	$418,910
Idaho	136,157
Oregon	124,180
Washington	158,573
Region XII	$449,831
New Mexico	70,962
Oklahoma	18,975
Texas	350,894
Region XIII	$588,978
Puerto Rico	588,978
Territory of Alaska	1,263
Continental U. S., Territories of Alaska and Hawaii, and Puerto Rico	$32,500,000

Approved: December 30, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 43-1125; Filed, January 22, 1943; 11:59 a. m.]

Office of the Solicitor.

DESIGNATION OF EXAMINERS, PRESIDING OFFICERS, AND REFEREES

In order to enable the Secretary of Agriculture to discharge his duties under the Agricultural Adjustment Act (1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 et seq.); the Commodity Exchange Act, as amended (7 U.S.C. 1940 ed. 1 et seq.); the Emergency Price Control Act of 1942 (Pub. Law 421, 77th Cong., 2d Sess.); the Federal Seed Act (7 U.S.C. 1940 ed. 1551 et seq.); the Grain Stand-

ards Act, as amended (7 U.S.C. 1940 ed. 171 et seq.); the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181 et seq.); the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. 1940 ed. 499a et seq.); the Sugar Act of 1937, as amended (7 U.S.C. 1940 ed. 1100 et seq.); Sections 56–60 inclusive, of the act of August 24, 1935 (7 U.S.C. 1940 ed. 851 et seq.), relating to anti-hog-cholera serum and hog-cholera virus; the act of March 4, 1913 (21 U.S.C. 1940 ed. 151 et seq.), relating to viruses, serums, toxins, antitoxins and analogous products; the act of June 28, 1940 (54 Stat. 676), as amended by the act of May 31, 1941 (Pub. Law 89, 77th Cong.), and by Title III of the Second War Powers Act, 1942 (Act of March 27, 1942, Pub. Law 507, 77th Cong.), insofar as any of the functions, powers, and duties under those acts have been or may be in any manner delegated to the Secretary of Agriculture; and Executive Order No. 9280 (7 F.R. 10179, Dec. 5, 1942) and the statutes referred to therein, the persons in the Office of the Solicitor of the Department of Agriculture whose names are listed below herein are hereby designated and authorized, when assigned by the Solicitor, or by his designated representative, to act as examiners, presiding officers, or referees in connection with any hearings held under the said acts or orders during the period from January 15, 1943, to June 30, 1945, inclusive. As such examiners, presiding officers, or referees, they are hereby authorized to conduct hearings under the said acts or orders in accordance with the applicable regulations and to perform all the duties and exercise all the powers including but not limited to the powers to administer oaths and affirmations and issue notices of hearings which, under such regulations, are to be performed or exercised by such examiners, presiding officers, and referees:

Anthony, Eligah, Bagwell, John C., Blackburn, K. Wilde, Brooks, Nell, Brothers, Charles S., Brownell, Robert O., Bucy, Charles W., Campbell, Howard V., Carson, Leonard O., Chisholm, Dan P., Cook, Jesse L., Cooper, George E., Craig, Earl B., Curry, John J., Dagger, Golden N., Dechant, Harry P., Dillman, Raymond L., Dimon, Philip W., Dowling, Grafton O., Jr., Doyle, James A., Edwards, Rufe D., Ehrlich, Sydney, Farrell, William F., Farrington, Robert L., Fike, Linus R., Fischer, Russell P., Folkerth, Justin H., French, Edwin S., Gallagher, Frank A., Gerber, Albert B., Gifford, Glen J., Hadley, Albert D., Hankes, Francis N., Heggy, Donald R., Hilbun, Henry, Jr., Hotchkiss, Elton C., Hunter, W. Carroll, Hyde, George Osmond, Ise, Walter J., Koebel, Ralph, Koontz, Clarence J., Knudson, James K., Lamberton, Harry C., McConnaughey, Robert K., McNaught, Archibald, Murphy, Casper M., Mynatt, Edward F., Nicholson, Vincent D., Nutting, Charles B., O'Donnell, James A., O'Rourke, C. Dennis, Parker, Joseph O., Paul, Spurgeon E., Potamkin, Lawrence, Price, Harold L., Rohan, Philip G., Rooney, Howard, Sachs, Sidney S., Scott, Elmer J., Sellers, Ashley, Sherbondy, Donald J., Shields, Robert H., Shulman, Edward M., Smith, Earl J., Smith, Todd, Stewart, Cloyd L., Strange, Robert Wright, Summers, Lionel, Sussman, Gilbert, Therkelsen, Lotus, Tyler, Robert B., West, Linton B., Wise, William C., Zimowski, Joseph B.

This designation supersedes the designation dated June 24, 1942, appearing in 7 F.R. 4770.

Done at Washington, D. C., this 22d day of January, 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-1126; Filed, January 22, 1943; 11:59 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 134 Under MPR 188]

WARDEN APPLIANCE CO.

APPROVAL OF MAXIMUM PRICE

Order No. 134 under § 1499.158 of Maxium Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel. Approval of maximum prices for sales by the Warden Appliance Company of two new drypowder fire extinguishers.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Warden Appliance Co., 1220 Maple Avenue, Los Angeles, California, is authorized to sell and deliver its new drypowder fire extinguishers at prices, f. o. b. Los Angeles, California, no higher than those set forth below:

One pound extinguisher:	
To wholesaler	$6.00 per dozen.
To retailer	8.00 per dozen.
To consumer	1.00 each.
Two pound extinguisher:	
To wholesaler	$11.25 per dozen.
To retailer	15.00 per dozen.
To consumer	2.00 each.

(b) This Order No. 134 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 134 shall become effective on the 22d day of January, 1943.

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1033; Filed, January 21, 1943; 2:44 p. m.]

[Amendment 1 to Order 1 Under MPR 136 as Amended]

CHAMPION RIVET CO.

ORDER GRANTING ADJUSTMENT

Amendment No. 1 to Order No. 1 under § 1390.25 (b) of Maximum Price Regulation No. 136, as Amended—Machines and Parts and Machinery Services.

An opinion accompanying this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Subparagraphs (2) and (3) of paragraph (a) are redesignated subparagraphs (3) and (4), respectively, and new subparagraphs (2) and (5) are added to read as set forth below:

(a) *Adjustment of maximum prices on sales of welding electrodes by the Champion Rivet Co., Cleveland, Ohio under § 1390.25 (b).* * * *

(2) The additions to maximum prices which Champion Rivet Co. is permitted to make under the conditions set forth in paragraph (a) above, may be made by any other person selling welding electrodes manufactured by Champion Rivet Co. under the same conditions.

* * * * *

(5) This Amendment No. 1 to Order No. 1 under § 1390.25 (b) of Maximum Price Regulation No. 136, as amended, shall become effective January 22, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1031; Filed, January 21, 1943; 5:00 p. m.]

[Order 7 Under MPR 136, as Amended]

CONTINENTAL CARBON, INC.

ORDER GRANTING ADJUSTMENT

Adjustment of maximum prices under § 1390.25 (a) of Maximum Price Regulation No. 136, as Amended—Machines and Parts and Machinery Services—Order No. 7.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with § 1390.25 (a) of Maximum Price Regulation No. 136, as amended, *It is hereby ordered,* That:

(a) *Adjustment of maximum prices on sale of radio parts by Continental Carbon, Inc. under § 1390.25 (a).* (1) Notwithstanding the provisions of §§ 1390.5, 1390.6 and 1390.7 of Maximum Price Regulation No. 136, as amended, Continental Carbon, Inc., Cleveland, Ohio, may add to the maximum price of any radio part manufactured by it for the United States Army Signal Corps, or any other government agency purchasing for military use, the amount of the additional direct labor cost of manufacturing such part, not exceeding 17½% of the present net maximum price of such part, resulting from an increase in wage rates authorized by the National War Labor Board on December 21, 1942 in Case No. BWA-333: *Provided,* That all prices increased pursuant to this Order are filed with the Office of Price Administration, Washington, D. C., within 10 days after they have been computed; *And provided further,* That the price of any radio part increased by Continental Carbon, Inc. pursuant to this

Order is subject to modification by the Office of Price Administration at any time that it may determine, upon investigation, that the amount of such price increase exceeds the amount by which the direct labor cost of such part has been increased as a result of the wage increase authorized by the National War Labor Board on December 21, 1942 in Case No. FWA-388, or that improved efficiency or other factors offset, in whole or in part, such increase in direct labor cost.

(2) This Order No. 7 may be revoked or amended by the Price Administrator at any time, for the reason set forth in (1) above, or for any other reason whatsoever.

(3) This Order No. 7 under § 1390.25 (a) of Maximum Price Regulation No. 136, as amended, shall become effective January 22, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1092; Filed, January 21, 1943; 5:01 p. m.]

[Order 15 Under MPR 152]

WESTERN CANNING COMPANY, LA JUNTA, COLORADO

APPROVAL OF MAXIMUM PRICES

Order No. 15 under Maximum Price Regulation No. 152—Canned Vegetables.

The Western Canning Company has filed an application for specific authorization to charge a maximum price pursuant to § 1341.22 (d) of Maximum Price Regulation No. 152.

Due consideration has been given to the information submitted by Applicant with respect to the packing of Fancy tomato juice in No. 2½ cans.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered*, That:

(a) The Western Canning Company may sell, offer to sell or deliver and any person may buy, offer to buy or receive No. 2½ cans of Fancy tomato juice at a price no higher than the maximum price of $1.25 per dozen, f. o. b. factory.

(b) This Order No. 15 may be revoked or amended by the Price Administrator at any time.

(c) The Applicant, Western Canning Company, shall not change its customary allowances, discounts or price differentials unless such change results in a lower price.

(d) Unless the context otherwise requires the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(e) This order shall become effective on January 22, 1943.

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1095; Filed, January 21, 1943; 5:03 p. m.]

[Order 132 Under MPR 188]

ILLINOIS CABINET COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 132 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other than Apparel. Approval of maximum price for sale by Illinois Cabinet Company of three cabinets and a bedstead.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as Amended, and Executive Order No. 9250, *It is ordered:*

(a) Illinois Cabinet Company, Rockford, Illinois, is authorized to sell and deliver the following articles at prices no higher than those set forth below:

(1) Record album cabinet model No. 7386-8, $5. per unit.

(2) Record album cabinet, $8.36 per unit.

(3) Record cabinet No. 3, $16.56 per unit.

(4) Government bedstead No. 26-B-522, $6.69 per unit.

The foregoing prices are subject to the customary discounts, allowances, and other price differentials in effect during March 1942 on sales by the Illinois Cabinet Company.

(b) This Order No. 132 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 132 shall become effective on the 22d day of January, 1943.

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1093; Filed, January 21, 1943; 5:00 p. m.]

[Order 133 Under MPR 188]

ELMORE SILICA PRODUCTS CO.

APPROVAL OF MAXIMUM PRICE

Order No. 133 under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel. Authorization of maximum prices for ferro silicon gravel sold by Elmore Silica Products Company—Docket No. GF3-2638.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and under § 1499.161 of Maximum Price Regulation No. 188, *It is hereby ordered*, That:

(a) The maximum price at which Elmore Silica Products Company of Detroit, Michigan, is authorized to sell, deliver, or offer for sale ferro silicon gravel shall be $1.10 per ton, open car lots, f. o. b. Elmore, Alabama.

(b) All prayers in the petition not specifically granted herein are denied.

(c) This Order No. 133 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 133 shall become effective January 22, 1943.

Issued this 21st day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1094; Filed, January 21, 1943; 5:01 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2243]

ACME MINING CO.

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of January, A. D. 1943.

In the matter of Proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of Acme Mining Company Assessable Common Stock, 10¢ par value should be suspended or withdrawn.

I

It appearing to the Commission:

That Acme Mining Company, a corporation organized under the laws of the State of California, is the issuer of Assessable Common Stock, 10¢ Par Value; and that said Acme Mining Company registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing with the exchange and with the Commission on or about January 24, 1940, an application on Form 8-A, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective on March 7, 1940, and remaining in effect to and including the date hereof; and it further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Ex-

change Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That rule X-13A-2 promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for the said Acme Mining Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the Instruction Book Applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period, unless the registrant files with the Commission a request for an extension of time to a specific date within six months after the close of the fiscal year; and

That said Acme Mining Company has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1941, was due to be filed not later than April 30, 1942; that registrant made no request for extension of time within which to file said report; that the time for filing was not extended by the Commission; that the annual report for the fiscal year ended December 31, 1941, was not filed within the time prescribed for filing said report or at any later date; and

II

The Commission having reasonable cause to believe that:

The said Acme Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1941, within the time prescribed for filing said report, and (2) it has failed to file such annual report at any later date; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Acme Mining Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Assessable Common Stock, 10¢ Par Value, of said Acme Mining Company on said San Francisco Mining Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 9th day of February 1943, at 10:00 A. M., Pacific War Time, at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-1075; Filed, January 21, 1943; 2:37 p. m.]

WAR PRODUCTION BOARD.

FLOOD CONTROL PROJECT—CINCINNATI, OHIO

RESTORATION AND AMENDMENT OF PREFERENCE RATING ORDER

Name of builder: U. S. War Department, Corps of Engineering; Address: Washington, D. C.; project: Flood Control Project—Cincinnati, Ohio.

The revocation of applicable Preference Rating Order issued January 6, 1943,[1] is hereby amended by striking paragraph (3) thereof and substituting the following:

(3) *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except that construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials already incorporated and completion of the dam and installation of pumps to the point where it will protect vital war industries in the area against a flood stage of sixty-five feet.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued January 22, 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1121; Filed, January 22, 1943; 11:03 a. m.]

[1] 8 F.R. 555.